

JAN 28 1919

NEBRASKA HISTORY AND POLITICAL SCIENCE SERIES

ADDISON E. SHELDON, Editor

THE EXERCISE OF THE VETO POWER IN NEBRASKA

By

KNUTE EMIL CARLSON

(Assistant in Political Science, University of Nebraska, 1915-1917)

A THESIS

Presented to the Faculty of the Graduate College in the University of
Nebraska in Partial Fulfilment of Requirements for the
Degree of Master of Arts, Department of Political
Science and Sociology

A Joint Publication
of
THE NEBRASKA STATE HISTORICAL SOCIETY
and
NEBRASKA LEGISLATIVE REFERENCE BUREAU

Bulletin No. 12
(Nebraska History and Political Science Series)

Lincoln, Nebraska
November 1, 1917

MADE IN
AMERICA

Kline-Smith Publishing Co.
Lincoln, Nebr.

TABLE OF CONTENTS

I. Historical development of the veto power:	
1. The status of the veto power in 1800.....	7
2. The extension of the veto power until 1860.....	8
3. The development from 1860 to 1916.....	9
4. The item veto down to 1916.....	10
5. The development of the veto power in Nebraska.....	11
II. An analysis of the veto power in Nebraska:	
1. Veto of defective bills.....	12
a. Defective in drafting.....	12
b. Unnecessary bills	14
c. More satisfactory laws have already been adopted....	15
2. Vetoes on constitutional grounds.....	17
a. Veto of bills violating the constitution of Nebraska..	17
b. Veto of bills conflicting with the Federal Consti- tution and federal laws	19
3. Vetoes on grounds of general policy.....	20
a. Change of capital location	20
b. Veto of bills affecting local government.....	21
1 Bills affecting county government.....	24
2 Bills affecting municipal government.....	25
c. Veto of bills affecting the administration of justice....	31
1 Affecting changes in the organization of the court	32
2 Affecting changes in the enforcement of justice	34
d. Vetoes to protect the economic interest of the state..	40
1 Guarding against the control of predatory in- terests	41
2 Protection against unnecessary expense.....	49
3 Vetoes of special items in appropriation bills....	51
4 Suggested changes	53
e. Veto of bills affecting the social relations.....	55
1 Affecting social life	56
2 Affecting educational life	60
III. Summary and conclusions.....	62
Appendix A	64
Appendix B	66
Bibliography	102

EDITOR'S PREFACE

This series of publications is designed to present, in convenient pamphlet form, studies in Nebraska history and politics which may be of service in solving present day problems. The series began in 1912 and includes the following:

- No. 1. Origin and Purpose of Nebraska Legislative Reference Bureau. July 20, 1912. 6 pp.
- No. 2. Preliminary Report Nebraska Employers' Liability and Workmen's Compensation Commission. Addison E. Sheldon, Secretary. Dec. 20, 1912. 48 pp.
- No. 3. Legislative Procedure in the Forty-eight States. Addison E. Sheldon and Myrtle Keegan. Jan. 1, 1914. 28 pp. (Out of print.)
- No. 4. Reform in Legislative Procedure and Budget in Nebraska. (Report of joint legislative committee to Nebraska legislature of 1915.) May 15, 1914. 47 pp. (Out of print.)
- No. 5. Nebraska Municipalities. Addison E. Sheldon and William E. Hannan. June 1, 1914. 74 pp.
- No. 6. Bank Deposit Guaranty in Nebraska. Z. Clark Dickinson. Nov. 1, 1914. 38 pp., 26 portraits.
- No. 7. The Direct Primary in Nebraska. Niels Henriksen Debel. Nov. 1, 1914. 112 pp., 25 portraits, 3 diagrams.
- No. 8. Local and Nebraska History in Nebraska Public Schools. C. N. Anderson. Oct. 1, 1915. 15 pp., 2 portraits.
- No. 9. State Supported Library Activities in the United States. Edna D. Bullock. Oct. 30, 1915. 58 pp., 4 illustrations.
- No. 10. The Torrens Land Transfer Act of Nebraska. Thorne A. Browne. June 10, 1916. 60 pp., 6 illustrations.
- No. 11. Legislative Procedure. Myrtle Keegan Mason. (Revision of Bulletin No. 3. To be published as a U. S. document during winter of 1917-18.)
- No. 12. The Exercise of the Veto Power in Nebraska. Knute E. Carlson. Nov. 1, 1917. 105 pp.

Until the present time, the publications have appeared as bulletins of the Nebraska Legislative Reference Bureau. On January 10, 1917, the director of that bureau was elected superintendent and secretary of the Nebraska State Historical Society, with the purpose of bringing state research and publication in the field of Nebraska history and public affairs into harmonious unity under one head.

This is, therefore, the first joint publication of the Historical Society and Reference Bureau. Co-operating with them are the State University departments of Political Science, American History and Economics. Other publications will follow. Accurate knowledge of the history of our own state is a first need for sound public action. The facts upon any given subject in Nebraska history are scattered through thousands of written and printed documents. Months of persistent labor by trained persons are required to condense and present them in truthful and attractive form. It is to this purpose that the series is dedicated.

In the present bulletin, Mr. Carlson has condensed a two years' study of a very important subject in our state into a few pages. He has rendered a valuable public service by presenting herein all the important facts regarding the veto power in Nebraska.

ADDISON E. SHELDON.

November 1, 1917.

I. HISTORICAL DEVELOPMENT OF THE VETO POWER

The principle of executive veto has been recognized from the beginning of our national history. Only two states, Massachusetts and New York, at that time had any constitutional basis for exercising the veto. By 1800 there were sixteen states in the union,¹ but only seven of them had provisions for the veto power. Strictly speaking, the veto power was vested in the governor in only five² out of the seven states; the remaining two, New York and Vermont, granted the power to the governor and judges of the supreme court in case of New York,³ and the governor and council in case of Vermont.⁴ A comparison of these twenty years reveals impressively the extension of the executive veto power.

During the following sixty years of national development eighteen new states were carved out of the national domain.⁵ Through this expansion Maine and California united with Florida and Oregon in granting the governor this power over legislation. On the frontier, where democratic ideas had grown up with smiling harvests, it was to be expected that the people, upon organizing their state governments, would incorporate these democratic ideas into the fundamental law of their commonwealths. This actually took place. Every one of the eighteen new states granted the governor some form of the veto power.⁶ This in turn reacted upon the older eastern states so that two of them, Connecticut and New Jersey, gave the executive the veto power.⁷ In 1860, therefore, not less than twenty-

¹ Conn., Del., Ga., Ky., Md., Mass., N. C., N. H., N. J., N. Y., Penn., R. I., S. C., Tenn., Va., Vt.

² Mass. 1780, Ga. 1789, Penn. 1790, Ky. 1792, N. H. 1792.

³ Thorpe, F. N. *Charters, Constitutions and Organic Laws*, V, 2629.

⁴ Thorpe, F. N. *Op. Cit.* VI, 3767.

⁵ Ala., Ark., Calif., Fla., Ill., Ind., Iowa, Kans., La., Me., Mich., Minn., Miss., Mo., Ohio, Ore., Tex., Wis.

⁶ Illinois adopted the plan of New York.

⁷ Conn. in 1818 and N. J. in 1844.

seven out of the thirty-four had granted the governor this power over legislation. By 1860 the executive was considered worthy of large influence in shaping the destiny of his state. Popular distrust of the legislature was the principal reason for enlarging the position of the governor so that he should be able to guard the interests of the people.

In 1860,⁸ then, the principle of the executive veto had gained general acceptance. Every one of the fourteen new states entering the union since that time has granted the governor a part in legislation.⁹ This had a wholesome influence on the older states, so that six more of them have fallen in line;¹⁰ only one state remains behind.¹¹

At this time a new application of the veto power entered. Hitherto the governor had been forced to accept or reject in toto any bill that came to him. With the increasing laxity in guarding the economic interests of the state the people became even more dissatisfied with their law-makers, and they decided therefore to enlarge the power of their executive. The governor was given the power to veto "any item or items" in bills appropriating money, and some states gave him the right to veto items in any bill.¹² At the present time thirty-six states allow the governor to veto items. West Virginia seems to have been the leader in this new movement,¹³ for it provided, in the constitution of 1872, that the governor could veto any bill and also any item in bills appropriating money.¹⁴ Pennsylvania

⁸ Nebr. was organized as a territory in 1854 and came in as a state in 1867, therefore I have used this date to represent the stage of development to which the veto power had come when Nebraska began to take a part.

⁹ W. Va. 1863, Nev. 1864, Nebr. 1867, Colo. 1876, N. D. 1889, S. D. 1889, Mont. 1889, Wash. 1889, Idaho 1890, Wyo. 1890, Utah 1896, Okla. 1907, N. M. 1912, Ariz. 1912.

¹⁰ S. C. 1865, Md. 1867, Tenn. 1870, Va. 1870, Del. 1897, R. I. 1909.

¹¹ North Carolina.

¹² South Carolina, Virginia and Washington.

¹³ Professor Dealey in his book: *Growth of Am. State Const.* p. 53 makes Kans. the leader for item veto, but the provision for item veto in Kans. came through amendment in 1904.

¹⁴ For a full list of states that have provisions for item veto see Table A.

followed the next year. Thereupon a long line of states adopted the executive supervision of appropriation until Oregon came in 1916.¹⁵

With this crop of political experience grew up also the provisions contained in the fundamental law of Nebraska. The Organic Act of 1854 granted the governor a part in the legislative work of the territory. All bills and resolutions to which the concurrence of both houses of the legislature was required, were to be submitted to the executive for his approval before they became effective; but if both houses passed the bill over the governor's veto by a two-thirds vote, the bill became a law the objections of the governor to the contrary notwithstanding.¹⁶ The governor was given three days, Sundays excepted, in which to act. If the governor failed to act, the bill became law in like manner as if he had signed it.

The same provision was embodied in the constitution of 1867, when the State of Nebraska was organized.¹⁷ This constitution, however, proved so inadequate that a new one was adopted in 1875. The new constitution allowed five days for the governor's action and decreased the number of votes required to pass a bill over the veto to three-fifths instead of two-thirds, and extended his veto power to items in appropriation bills. Both in the Organic Act and the constitution of 1867 the governor had been granted a pocket veto, but this was taken away in the new constitution.¹⁸

During the little more than twelve years of territorial history the legislature, meeting annually,¹⁹ passed a total of 1,429 bills which became effective,²⁰ and thirty-nine were vetoed by

¹⁵ Statesman's Year Book (1916), 206.

¹⁶ The Organic Act, section 6.

¹⁷ Constitution of 1867, Article III, section 19.

¹⁸ Constitution of 1875, Article V, section 15.

¹⁹ In 1863 the territorial legislature did not meet and the cost of the legislature, which was paid for by the national govt. was applied as our part in the war debt.

²⁰ Here are included: 1. All bills passed by both houses of the legislature and approved by the governor; 2. those bills passed by both houses of the legislature, vetoed by the governor, but which were re-passed by the legislature over the governor's veto; 3. all bills passed by both houses which became law due to the failure of the governor to act.

the governor of which four were passed over the objections of the governor.

During the state period from 1867 to 1915, the legislature meeting biennially according to the constitution, a total of 3,751 bills became effective, and the governors vetoed 138 of which only four were passed over the veto.

There was a proportionately larger number of bills adopted during the territorial period than during the forty-eight years of the state. The principal reason for this excess may be found in the large number of special laws. Then the legislature passed a special law for incorporating each bank or other organization, or for granting a divorce. The legislature, by the state constitution, was forbidden to pass special laws.²¹

In the territorial period thirty-nine bills, or 2.6 per cent, were vetoed and four bills, or 10.5 per cent, were passed over the governor's objections. In the state period 138, or 3.5 per cent of all bills passed, were vetoed, and four, or about 3 per cent, were repassed.

No bill was vetoed during the sessions 1856 and 1859 of the territorial period. The lowest number of bills vetoed in relation to the number of bills actually passed at any one session occurred in 1862 when one bill was vetoed and 119 became effective; the highest number of bills vetoed in proportion to the number passed was in 1861 when eight were vetoed and 134 became effective. Of the eight bills vetoed in 1857, three were repassed, and of the eight bills vetoed in 1861, one was adopted over executive objections. Two of the three acts repassed in 1857 were acts to establish the banks at Plattsmouth and Tekamah and one to repeal the criminal law of the territory. In 1861 an act to abolish slavery was vetoed by the governor, but the legislature passed it over his objections.²²

During the state period no bill was vetoed in 1867, 1869, 1872, 1879, and the special session 1882. The lowest number of bills vetoed in proportion to the number of bills adopted occurred in 1873, when one bill was vetoed and 191 were adopted; the highest number was vetoed in 1905, when twenty-

²¹ Constitution of Nebraska, Article III, section 15.

²² For a full list of vetoed bills see appendix, B.

seven bills were vetoed and 235 became effective. Of the three bills passed over the governor's objection in 1895, two were of local significance, but the sugar bounty bill evidently represented a deliberate control of legislation by special interests. Similarly in 1903 a bill was repassed, which seems to represent little but political by-play.

The constitution of 1875 granted the executive power to veto items in bills appropriating money. This power was not used prior to 1895 when Governor Holcomb trimmed off \$20,500.00 from the appropriations. The largest amount ever vetoed was in 1901 when the governor took \$150,377.66 from the appropriations; and the smallest amount was vetoed in 1911 when Governor Aldrich objected to an item of \$250.00. The entire sum taken off appropriation bills by means of the item veto mounts up to \$443,630.22, which makes an annual average of \$22,181.51. For the entire period from 1875 to 1915 the annual average shrinks to \$11,090.75.²³

Until 1915 the governors of Illinois had used their discretion in reducing items of appropriation; in that year the supreme court of the state declared such an action unconstitutional. In Nebraska no attempt has been made to reduce an item of appropriation. The governor has always vetoed the whole item even if he has expressed his desire to reduce it.²⁴

²³ All information regarding the item veto has been gathered from "Messages and Proclamations by the Governors," and the Session Laws for the respective years.

²⁴ Messages and Proclamations (1900-11). 96.

II. AN ANALYSIS OF THE VETO POWER IN NEBRASKA

In classifying the vetoes an attempt has been made to find the most fundamental reason assigned by each governor for his action. Applying this principle of division there are three general classes of vetoes,—vetoes of defective bills, vetoes on constitutional grounds, and vetoes on grounds of policy. Of course each of these classes may be further subdivided.

1. Vetoes of Defective Bills

The idea that the veto power should be extended to defective bills had already come into practice when Nebraska was organized as a territory. Therefore, when Governor Izard, who was the first governor to be associated with the assembly for legislation,¹ assumed the duties of his office, he exercised his judgment as to the proper form of a bill. The first bill he vetoed provided for a prohibition law. The only reason for refusing to sign the bill was that "line 3 of section 6" contained a clerical error which would have entirely destroyed the force of the law and would have defeated the object for which it had been framed.² The bill was amended by the legislature to meet the formal requirements and was then approved by the governor March 16, 1855.³ Similarly in 1864 a bill was passed which provided for the repeal of a certain number of acts passed at the second session of the legislative assembly of the Territory. No saving provisions were made for persons who had commenced action or acquired rights under those laws. Governor Saunders saw in this omission a vital defect in the drafting of the bill and therefore vetoed it.⁴

¹ Governor Burt, who was the first governor of the territory, died before the legislature met the first time.

² Council Journal (1855), 133.

³ Council Journal (1855), 144.

⁴ House Journal (1864), 223.

In 1865 the territorial legislature passed an act which provided that the governor should be authorized to supply certain articles of clothing to an insane asylum in any other state in which Nebraska patients would be cared for. The governor was limited to a list of articles named in that bill. He objected to this act on the ground that every asylum had its own regulations for entrance, and our patients should comply with the regulations of such institutions. Therefore it was rather improper for Nebraska legislators to attempt to dictate regarding the entrance requirements to an institution operated by another state. The better plan would have been to authorize the governor to send what the particular state required.⁵ The governor considered that the bill contained excellent provisions in other respects.

Two years later a bill was passed to alter a section of the revenue law. The law-makers made a mistake in referring to a chapter of the statutes which did not deal with revenue at all but with precincts. The governor objected to the bill on account of this mistake, because the chapter amended had no such section.⁶

The most perfect example of this kind of defect appeared in two bills, one of which was vetoed by Governor Garber. The bill contained "the preamble" and then ended "abruptly" by quoting the enacting clause.⁷ The second bill contained "52 sections" as it passed the two houses of which only "7 sections" remained when it reached the governor.⁸

During the twenty-ninth session of the legislature not less than seven bills were vetoed because they carried no repealing clause and some of them referred to statutes without giving the section or sections which were to be amended.⁹ The same mistake was repeated two years later.¹⁰

⁵ Council Journal (1865), 198.

⁶ Council Journal (1867), 184.

⁷ Manuscript bills for 1877; State Journal, February 21, 1877.

⁸ Messages and proclamations (1866-92), 244.

⁹ Manuscript laws (1905), 1902, 1905, 1911, 1951, 1955, 1984; Senate Journal (1905), 711.

¹⁰ Manuscript laws (1907), 1276.

On the other hand, bills have sometimes been passed the titles of which have been larger than, or did not correspond to, the provisions contained in the bills.¹¹ In certain cases bills purporting to amend a section or a part of a section have failed to set forth the section so amended and have been defective to that extent.¹²

With this class may be grouped another which may be called unnecessary bills. The provisions of those bills would not aid in law enforcement, but would operate in favor of lawlessness or be of no value on either side. In some cases their provisions were identical with laws then in existence or of bills approved during the same session. This unnecessary duplication has been more common than one would expect. From 1865 to the present there has been a more or less continuous stream of such bills which have been killed by watchful governors.. Acting Governor Paddock vetoed an act amending an act incorporating Falls City on the ground that he had already signed and approved an act containing the same provisions.¹³ Governor Holcomb performed a similar service in 1897.¹⁴ In 1905 four such bills were prevented from becoming effective.¹⁵ In the same class belonged a bill passed in 1907 amending the provisions for chartering banks. Governor Sheldon said in his message that the existing law had already been similarly amended by House Roll Number 105.¹⁶ Governor Aldrich vetoed a bill "designed to establish a system of bookkeeping . . . in all of the state institutions." The reason assigned for his action was that "an expert accountant is appointed by the auditor of public accounts, whose duty it is to check up the accounts of the various institutions and boards of the state." If this official "finds any irregularities in the bookkeeping" it is his duty "to

¹¹ Manuscript laws (1907), 1310, 1325.

¹² Senate Journal (1871), 309.

¹³ House Journal (1865), 300.

¹⁴ Manuscript Laws (1897), 517; Messages and Proclamations (1891-99), 356.

¹⁵ Manuscript Laws (1905), 1945, 1965, 1971, 1993; Messages and Proclamations (1900-11), 268, 270, 273, 275.

¹⁶ Manuscript Laws (1907), 1281; Messages and Proclamations (1900-11), 356.

cause an investigation of such offices or institutions and take such action as will appear to him to be for the welfare of the institution."¹⁷

Other bills have been vetoed because the existing law was on the whole more satisfactory than the proposed one. In the opinion of Governor Holcomb this was true of a bill which provided "for the appointment of county board of depositories of certain public funds."¹⁸ Likewise Governor Dietrich vetoed an act providing for "the change of names for the Institute for the Deaf and Dumb and Institute for the Blind, to School for the Deaf and School for the Blind respectively" on the ground that "many inconveniences would arise from such change without reciprocal benefits."¹⁹

To this class belonged also an act providing for the appointment of a commission "to act with a like commission from Missouri for the purpose of establishing the boundary line between Nebraska and Missouri." Governor Mickey exercised his veto power on this act on the ground that the result would be accomplished more satisfactorily to all parties concerned through "an action" pending in the Supreme Court of the United States whose decision would settle the boundary "for all time."²⁰

In 1911 the legislature attempted to "create a state board of supervision of maintenance of funds" made up of the executive officers of the state. The object of the act was "to require these officers to pass upon the disbursements of each of the state executive departments." This bill was vetoed because the governor felt that the "work of one department might be seriously impaired by the interference of the heads of other departments who know but little about the business thereof." These officers were elected by the people and were required to give bonds to insure the faithful performance of their duties, therefore, each officer ought to be allowed to conduct his own

¹⁷ Messages and Proclamations (1911 f.), 99.

¹⁸ Messages and Proclamations (1891-99), 242.

¹⁹ Manuscript Laws (1901), 313. Messages and Proclamations (1900-11), 90.

²⁰ Manuscript Laws (1903), 1439. Messages and Proclamations (1900-11), 201.

department without interference.²¹ Similarly a bill was passed authorizing the secretary of state to name each local newspaper in which constitutional amendments should be published. For two years prior to this the power had been in the hands of the governor. The chief reason given by Governor Aldrich for his veto was that the new law "would give a monopoly to the largest newspapers in the county and would deprive the smaller papers through the county from receiving any of this patronage."²² The governor announced that he intended "to divide this patronage among republican and democratic papers" alike.

In 1915, Governor Morehead vetoed a bill because the introducer informed him that "Senate File Number 37 already pending in the legislature will better meet the object for which House Roll Number 155" was introduced.²³

A slightly different application of the principle might be illustrated by a bill passed in 1901 proposing an amendment to the constitution. This bill was vetoed because of the cost, and because the new ballot law would accomplish the same result, and also because a "special session of the legislature should and will be called for the purpose of submitting other important constitutional amendments to the voters at the election of 1902."²⁴ Therefore, the governor would leave action upon the constitutional amendment to the special session.

This bill raised the question as to whether or not the veto power of the governor extended to resolutions proposing constitutional amendments. Because the secretary of state was in doubt he asked the attorney general to render an opinion. The advice received was that "the governor had no power over said proposed amendments either to approve or veto."²⁵ This opinion was based upon the constitution of the state and upon a decision of the supreme court of the state. Justice Maxwell, speaking for the court, said:

"The proposed amendment possesses no efficacy until ap-

²¹ Manuscript Laws (1911), 720.

²² Manuscript Laws (1911), 720.

²³ House Journal (1915), 1010.

²⁴ Manuscript Laws ((1901), 298; Messages and Proclamations, (1900-11), 98.

²⁵ Opinions of the Attorney-General (1901-2), 322 f.

proved by a majority of the electors of the state voting at the election, and the approval of the governor is unnecessary, and adds nothing to the validity of such proposed amendment.”²⁶

Governor Mickey vetoed a resolution proposing a constitutional convention. His main objection was that the whole organic law would be placed “in jeopardy,” and, in his opinion, the benefits could be attained by amendments to the present constitution, and he advised that the latter plan be adopted.²⁷

²⁶ 25 Nebr. 864.

²⁷ Senate Journal (1903), 926. Messages and Proclamations (1900-11), 199.

2. Vetoes on Constitutional Grounds.

The original purpose of the veto power was to give the executive a means of protection against legislative interference. This use of the veto power has almost disappeared in Nebraska. Only one bill out of one hundred and seventy-seven has been vetoed for that specific reason. This bill took from the executive the power to appoint superintendent of the Institute for the Blind, thus violating section 10, article 5 of the constitution.¹

A bill providing for the payment of fees to the commissioner of public lands and buildings was vetoed because section 24, article 5 of the constitution provides that all fees shall be paid in advance into the state treasury. In addition the supreme court has held that this article of the constitution “not only prohibits such officers from receiving fees to their own use, but also prohibits all executive officers except the treasurer from receiving fees at all.”²

The legislature has tried on various occasions to dispose of the public lands under control of the state and the governors have protected the state on the ground that the constitution

¹ Manuscript Laws (1905), 1925; Messages and Proclamations (1900-11), 267.

² 53 Nebr. 831.

³ Manuscript Laws (1901), 46; Messages and Proclamations (1900-11), 195.

provides that "Lands under control of the state shall never be donated to railroad companies, private corporations and individuals."⁴

In some cases bills have passed one house and have been amended in the other. The bills having been returned to the first house have been sent to the executive for his action without concurrence in the amendments. The only thing the governor could do under the circumstances was to veto the bill, because the constitution requires that every bill must pass both houses in the same form.⁵

The constitution of 1867 had not been in force long before it became evident that its provisions were inadequate. In order to provide for a new constitution the legislature in 1873 passed a bill which provided for an election to be held on the first Tuesday in June, 1873, to vote for or against the proposition of a constitutional convention, and also to elect delegates to a constitutional convention to meet in Lincoln on the second Tuesday in September, 1873. This bill violated the constitution in two respects: first, it provided for submitting the proposition for revision of the constitution at a special election rather than at a regular election for members of the legislature; second, it provided for the election of members and for the meeting of a constitutional convention instead of following the constitutional method of letting the next legislature provide therefor. The governor was not opposed to a constitutional convention, but he did consider the method proposed too revolutionary.⁶

Sometimes the method of amendment prescribed in the constitution has proved impracticable and therefore needed changes have failed to carry at the election. This is the difficulty with the constitution of 1875. The legislature, therefore, passed a bill in 1905 to declare constitutional amendments carried when a "majority of the votes thereon" were in favor of the amendment. The governor objected on the grounds that such an

⁴Section 18, Article 3 of the Constitution.

⁵Manuscript Laws (1897), 496; Messages and Proclamations (1891-99), 356, 357.

⁶House Journal (1873), 548 f.

action is clearly in conflict with section 1, article 15 of the constitution which requires that a majority of electors voting at the election must vote in favor of the proposed amendment.⁷

In 1855 the territorial legislature authorized John B. Boulware to keep a ferry on the Missouri river at Nebraska City. In 1860 the legislature passed a bill repealing the former law, but Governor Black very promptly vetoed the bill on the ground that it violated the constitutional provisions relating to the obligations of contract.⁸ In his message the governor called attention to a decision of the Supreme Court of the United States involving the obligation of contract.⁹

Congress passed an act in 1902 providing for appropriating the receipts from the sale of public lands in certain states and territories for the construction of irrigation works for the reclamation of arid lands. In 1909 the legislature of Nebraska passed a bill which conflicted with the provisions of the federal act in several particulars. Governor Shallenberger interposed his veto saying that the bill would possibly bring benefits to some private interests, but it would also interfere with the success and progress of the United States reclamation projects in Nebraska.¹⁰

The following joint resolution is treated here not because it violates any particular provision of the national constitution but rather because it has to do with a national rather than a state issue. This joint resolution praised the valor of the First Nebraska Volunteers in the Spanish-American war. In his veto message Governor Poynter stated that no one had a higher regard for valor than he had, but he regretted that the struggle had assumed a strange complication, so that a nation like the United States, having entered the war for humanity and "in the cause of human liberty," had come into conflict with a people "who have been battling against the oppression"

⁷ Manuscript Laws (1905), 1918; Messages and Proclamations (1900-11), 274.

⁸ House Journal (1860), 198.

⁹ Dartmouth College vs. Woodward, 4 Wheaton 650; 9 Cranch, 50.

¹⁰ Manuscript Laws (1909), 1338. Messages and Proclamations (1900-11), 498.

of another nation for nearly 400 years. The governor considered that this resolution was based on a misstatement of facts, for such a conflict, in his opinion, "is not defending the principles of our government and adding new glory to our flag, which has ever stood as the glorious emblem of freedom." To permit such an act to become a law would be "to stultify myself and the calm judgment of the thinking people of this commonwealth."¹¹

¹¹ Manuscript Laws (1899), 741. Messages and Proclamations (1891-99), 545.

3. Vetoes on Grounds of Policy

A. CHANGE OF CAPITAL LOCATION.

Omaha was the territorial capital of Nebraska, but it did not satisfy a certain group of the people. Located as it is on the Missouri river, Omaha was objectionable to the people of the western counties and also to the more populous South Platte portion of the territory. In order to readjust this matter a bill was passed in 1857 providing for the removal of the capitol to the town of Douglas in Lancaster county. Where that town was located is a matter of conjecture even today. Governor Izard objected to this bill and gave the following reasons: first, a question so important as the removal of the capital ought to have been before the people when members were elected to the legislature; second, all who knew the geography of the Territory conceded that for some years to come only the counties on the Missouri river would be settled, therefore, Omaha would be the most central place; third, there were two "paper towns" in Lancaster county, but no one knew which one was referred to, and not a single house was found on either place—the town was to be somewhere on the Salt Creek, but there was no general agreement as to its location; fourth, according to the Organic Act the governor and the legislative assembly combined should locate the territorial capital, and no part of the appropriation for a capitol building was to be

expended before such a determination was made.¹ In view of these facts the governor vetoed the bill.

In accordance with the Organic Act the governor returned the bill with his veto message to the council where it had originated. This body proceeded to make the bill a special order of the day from day to day and finally postponed the bill indefinitely "**without an opposing vote.**"² The Nebraska Advertiser went on to say that the question of removing the capital was an honest and fair question, and the interior especially "would receive the benefit of a removal."³

B. LOCAL GOVERNMENT.

The question of local government may be divided into two parts, that which pertains to the county and that which has to do with the city.

Several bills affecting county government have been vetoed.

In 1885 the legislature passed an act "to legalize the election of certain officers in the city of Wymore." Certain irregularities had crept in at the election, but an examination of the act does not show what those irregularities were. The effect of the act was really, in the opinion of Governor Dawes, to amend the charter of Wymore, but that would violate the constitution which forbids the enactment of special laws. In addition it was very objectionable to attempt to modify the charter by a retrospective act, or to do indirectly after election "what could not be done prior to the election."⁴

A bill was passed in 1899 to provide for the election of county commissioners of counties having more than 70,000 inhabitants "by a vote at large." Governor Poynter objected to this bill for two reasons. The object of districting a county at all is to permit every part of the county to have a representative on the county board. "This being true it is just to

¹ Council Journal (1857), 46 f.

² Nebraska Advertiser, February 26, 1857.

³ Ibid. See also February 12, 1857, and June 25, 1857.

⁴ Messages and Proclamations (1866-92), 372.

each district for its electors to choose such a representative.”⁵ Second, the act was special in nature, for only two counties had 70,000 or more inhabitants.⁵

In the early days it was customary to pasture animals at large on free range. Often a great deal of harm was done to settlers, and therefore, a set of herd laws was enacted. The legislature, however, feared that these laws would be opposed by local interests and for that reason the law-makers provided a popular referendum in at least one case. The governor promptly vetoed that bill because the legislative power and authority was vested in the legislature and the governor, and this duty must be exercised by them and could not be delegated to the people.⁶ The house proceeded to reconsider the bill, but an attempt to pass it over the governor’s objection failed.⁷

In 1862 the legislative assembly passed a bill to appropriate five hundred dollars to resurvey certain saline lands in Lancaster county. Two years later was passed another bill which repealed the former one, for the federal government had already performed this work and paid the expenses. But the second section of the bill re-appropriated the money for the purpose of building bridges across Salt Creek. The governor vetoed the bill because no adequate provision had been made to require the commissioners to do their work nor to pay for the service of the man who would build the bridges.⁸

Peter Jenal, who formerly had been treasurer of Cedar county, had deposited the public funds of the county with a bank in Yankton, South Dakota, for safe-keeping. He had acted in full accord with the county commissioners. On January 17, 1878, the bank suspended payment. A suit was instituted by the board of county commissioners against Peter Jenal and judgment was entered against him. The legislature passed a bill to relieve Peter Jenal. The governor vetoed the

⁵ Manuscript Laws (1899), 738. Messages and Proclamations (1891-99), 536.

⁶ House Journal (1861), 219. House Journal (1867), 254-5.

⁷ The vote in the house was one for and 27 against; House Journal (1861), 219.

⁸ House Journal (1864), 182.

bill; for it would mean that funds raised by taxation for the general purpose of carrying on the state government would be devoted to private use in violation of section 15, article 3 of the constitution.⁹

That the public highway should be kept clear has been emphasized by the legislators. Therefore, a bill was passed providing that the road overseer should destroy the weeds along the roads, if the land owners neglected to do so, and receive pay from the county. In case of a non-resident land owner the land might be attached. Governor Sheldon vetoed the bill on the ground that it would probably not be constitutional and the beneficial results "would probably not pay for the neighborhood disturbances."¹⁰

In 1861 a somewhat peculiar bill was enacted, making it possible for a person to build improvements on land belonging to another person and to force him to pay for the improvements, or be in danger of losing the land. According to the bill any person had color of title who could show "from the records of any public office" that he had bought or inherited the land. In his veto message of this bill, Governor Black suggested that it is a wise rule "that the owner of the soil owns also whatever in the way of improvements is attached to the freehold." This act would work in the interest of speculators for not a title in the Territory would be safe under such rules of the law.¹¹ It is needless to say that the governor made his arguments against this bill as strong as possible. The house proceeded to reconsider the bill, but a motion to pass it over the veto failed.¹²

Time and again the settlers were troubled by Indians. In order to aid the settlers in defending themselves the legislature provided for distributing the arms belonging to the Territory among the settlers. The legislature mentioned by name several

⁹ Messages and Proclamations (1866-92), 370.

¹⁰ Manuscript Laws (1907), 1261; Messages and Proclamations (1900-11), 354.

¹¹ House Journal (1861), 305 f.

¹² The vote stood 12 for and 21 against the bill; House Journal (1861), 307.

counties, but neglected to mention several of the frontier counties of the Territory. The chief objection to this bill was that it was special in application and did not provide for a fair distribution.¹³ The house reconsidered the bill, but refused to pass it over the governor's objection.¹⁴

The constitution of Nebraska provides that no county shall be divided or have any part taken from it without first submitting the question to a vote of the people of the county; nor shall a division take place unless a majority of all the legal voters of the county, voting on the question, shall vote for the same. The legislature of 1887 passed an act to define the boundaries of Richardson, Nemaha, Blackbird and Dakota counties and "to redefine the boundaries of Blackbird county, and to change the name to Thurston county." In his veto message the governor called attention to the fact that the bill violated the constitution in that it proposed a change in the boundary of counties without providing for a popular referendum. The governor regarded it as a public wrong to divide a county without giving the people a right to vote on the question.¹⁵

Few measures pertaining to municipal government in general have been vetoed. But a large number of bills, general in form but special in application, have fallen before the official sword.

In 1911 two bills of the first class were vetoed. One provided for the extension of the term of office of mayors and members of the city council, the other provided for the commission form of city government with certain restrictions and limitations. In vetoing the first bill the governor said that there was no demand for such a change nor need for it. The only method of getting rid of bad officials in municipalities was by having an election. If an official is corrupt and incompetent, his term of office should certainly not be extended. He considered that an official of this sort ought to be checked

¹³ House Journal (1861), 287.

¹⁴ The vote was 18 for the bill and 13 against; House Journal (1861), 288.

¹⁵ Messages and Proclamations (1866-92), 466.

through short term of office. It would be a bad policy to change this practice.¹⁶

The other bill provided for a petition to change the form of city government. It required that the petition be signed by a certain per cent of freehold voters, who should designate the lot and block of real estate owned by them in the city. The governor thought that this method of change created a privileged class of citizens, and deprived the electors of the right to petition for the enactment of city ordinances. Such restriction on suffrage, he believed, could not be carried out without a constitutional amendment. This would also be a duplication of legislation for a more satisfactory bill had been approved already.¹⁷

When Nebraska Territory was organized, general prosperity prevailed throughout the country. Especially was this true in Nebraska. People were coming in from the older states and a hopeful feeling ruled. Cities and towns were organized in the eastern counties and the general boom spread. But the panic of 1857 came on. Formerly prosperous towns were being abandoned. The legislature which formerly had been asked to grant charters to budding towns was now requested to revoke them. Archer was one of these towns. In 1861 the legislature passed a bill to vacate the town of Archer. The governor objected for two reasons; first, it did not appear what titles acquired in good faith for valuable considerations might be swept away "by this summary proceedings;" second, if there existed any good reason for blotting out the charter it could very easily be stated in the bill.¹⁸

Omaha, being the largest city in the state, has had a large share of special bills passed in the legislature, judged by the vetoes. At four different times since 1895 bills affecting the city charter have been vetoed. The objections stated by Governor Holcomb to one of these bills were that it repealed two sections of the existing law, leaving the city without any provision for creating a sinking fund or for paying the interest

¹⁶ Manuscript Laws (1911), 672.

¹⁷ Manuscript Laws (1911), 678.

¹⁸ Council Journal (1861), 203.

upon the bonded indebtedness of the city nor even for paying for water used by the city for public purposes.¹⁹ Four years later Governor Poynter vetoed another bill affecting the charter of Omaha. He gave the following reasons for his action. First, the charter increased in a dangerous degree the power of city officials; second, it increased the number of city officials; third, it increased the tax burden.²⁰

That the governor had rightly analyzed the situation may be illustrated from the newspapers. The *World-Herald* said that "Governor Poynter is entitled to the thanks of every Omaha taxpayer for his veto of the Omaha charter bill. It was a bad measure, devised by political schemers, without regard for the rights of the people, and it was pushed through the legislature by men who expected to profit from its provisions at the expense of the taxpayers. . . . The charter bill might properly have been labeled, 'an act to perpetuate a political machine at the expense of the city of Omaha.'" ²¹

It was evident that the passage of the bill was tainted with fraud for "when the Omaha charter bill was before the senate some of the advocates of that bill presented to members of the senate a petition asking for the passage of the measure, to which petition the names of a large number of Omaha citizens were attached without authority."²²

In 1907 another bill amending the Omaha charter was vetoed. The reasons given by Governor Sheldon for his disapproval was that certain railway companies having terminals in Omaha had secured possession of "valuable streets within the city of Omaha through the city council, which acted without authority of law." This act validated the action of the council.²³ The newspapers told the same story. "The bill is ostensibly to permit the narrowing of streets and alleys, but it

¹⁹ Messages and Proclamations (1891-99), 243 f.

²⁰ Manuscript Laws (1899), 742. Messages and Proclamations (1891-99), 538.

²¹ *World Herald*, April 6, 1899.

²² *World Herald*, April 4, 1899.

²³ House Journal (1907), 1231; Messages and Proclamations (1900-11), 350.

also validates actions of the city council taken heretofore without authority of law . . . by which it vacated public highways."²⁴

Four years later Governor Aldrich vetoed a bill to alter the charter. In his message the governor said he was informed that during the last four years the population of Omaha had increased less than ten per cent; the saleable value of its property had not undergone any material change, while taxes had increased 100 per cent. In addition to these facts there was an unpaid judgment against the city amounting to \$400,000.00 and approximately \$8,250,000.00 for the city waterworks. These enormous sums must be raised by the property owners of the city.

The governor held a public hearing on the bill in his office at which representatives from both sides were present; and he had received a large number of letters requesting him to veto the bill. From one of these letters the governor gave the following summary:

1—The bill "permits an increase of the taxes beyond the needs of the city."

2—The provisions giving the city the right to cut weeds all over the city and shovel snow from the sidewalks all over the city without first notifying the property owners, furnished jobs for politicians.

3—The provisions holding owners of lots personally responsible for damages occurring in front of their property might deter people from owning lots in the city.

4—The bill "is a product of city employees, very few of whom have had practical experience in city affairs and pay but little if any taxes."²⁵

A motion to pass the bill over the objections of the governor was lost.²⁶

In a discussion of the bill the Omaha Bee said: "Governor Aldrich may rest assured that he would be doing Omaha a

²⁴ Omaha Bee, March 31, 1907; State Journal, March 31, 1907.

²⁵ House Journal (1911), 856; Messages and Proclamations (1911 f.), 93-7.

²⁶ House Journal (1911), 859.

favor by permitting it to do business under the present charter unchanged until we can get one that is a real improvement upon it.”²⁷

When Mayor Dahlman heard of the veto he said: “Of course we will get along somehow, but the growth and progress of Omaha for the next three years will be greatly retarded.”²⁸

The *World-Herald* said:

“It needed not the stentorian appeal of the Omaha Bee and its factional friends on the real estate exchange to induce Governor Aldrich to veto the Omaha charter. These simply furnished him with the desired excuse. . . . The point was that it was Omaha that was asking for the charter—the commercial club as well as the responsible officials of the city government including the members of the council. . . .”

The reason for the veto as seen by this paper was that “Omaha refused to vote for Aldrich and he desired to get even.”²⁹

In 1867 the territorial legislature passed an act “to exempt agricultural lands from taxation for city purposes within the corporate limits of Omaha City.” In stating his objections to the bill Governor Saunders said that perhaps the “city limits are large,” and if the bill had provided for exempting land that was in the outskirts of the city there would be some reason for exempting them. “But this bill makes no exception.” There was land within four blocks of the court house, “which from its proximity to the business portion of the city, is made to be worth its hundreds of dollars per acre, and is by this bill exempt from city taxes.”³⁰

In 1915 a bill was adopted giving “the Board of Directors of the Metropolitan water district” power to devise plans and “to construct and operate electric light plants in cities.” The governor vetoed that bill. In his message he gave four reasons for his action. First, the measure was probably unconstitutional, at least one amendment added by the house; second, the

²⁷ Omaha Bee, April 2, 1911.

²⁸ World Herald, April 8, 1911.

²⁹ World Herald, April 2, 1911.

³⁰ Council Journal (1867), 218.

act would only provide a duplication of power and therefore not be of any advantage to the city; third, the Commercial Club of the city had refused to endorse it; fourth, "a majority of the Senate and the House have memorialized me to exercise the veto."³¹ As a reply to the last reason the Senate adopted the following resolution: "We respectfully request that the Governor file said petition or a copy thereof with the Secretary and the same be entered upon the Journal and made a part of the record."³²

The newspapers contained interesting comments on this bill. The World-Herald said that if the reasoning of the governor was sound the law creating the water board should be repealed. But the sentiment in Omaha was strongly in favor of investing millions of dollars, and their capable management, "in the hands of a high-grade, non-political board," and thus take them out of the "muck and rail of municipal politics." It further pointed out that the same dual system obtained in the state in controlling the railroads. The paper went on to say that ordinarily "such a measure would have had slight difficulty in its progress through the legislature and past the executive sanction. That in this instance such formidable opposition was met is due, we think, less to the merit or demerit of the bill, than to the personal equation involving Manager Howell of the water plant."³³ A Kearney paper was even more specific in its statements. It said: "The Grand Island Independent pressed the right button when these remarks were dropped out of the slot: Governor Morehead paid his political debts to the special interests which aided materially in his election against R. B. Howell. . . . After the bill permitting the citizens of Omaha to decide for themselves whether or not they shall have a municipal electric plant had passed both houses of the legislature the private electric interests of Omaha called on the governor to make good and he delivered the rights of the people of Omaha into their keeping so far as this

³¹ Senate Journal (1915), 822.

³² The vote on the resolution was 23 for, 2 against, and 8 excused absent; Senate Journal (1915), 823.

³³ World Herald, April 11, 1915.

bill is concerned. It is not to be wondered at that the Jacksonian Club, a democratic organization of Omaha, in a series of resolutions condemns the governor."³⁴

In 1895 the legislature passed a bill to change the board of fire and police commissioners in Omaha. Formerly the commissioners had been appointed by the governor, one from each of the three larger political parties. The mayor was the fourth member of the board and ex-officio chairman. The new bill gave the power to appoint the commission to a commission consisting of the governor, the attorney general, and the commissioner of public lands and buildings. The governor objected to the bill for the following reasons: First, in order to secure the best results the commission should be non-partisan, as nearly as possible; second, the mayor, who is elected by the citizens and has their confidence, ought to be a member of the board; third, it was a mistake to reduce the number of commissioners, for every city in the country has cried out against this evil; fourth, the bill limited the appointing power of the governor, and since the governor was responsible for the conduct of the board he helped to create, he ought to have a freer choice in making the appointments; fifth, it was a mistake to require that all those appointed by the commission must be electors of the city.³⁵ Although the reasoning of Governor Holcomb seems sound, the legislature attempted to repass the bill over the objections of the executive but failed.³⁶ "Both sides were working hard to line up their friends for or against the bill. Even as late as 2 o'clock it seemed that the bill was certain to be defeated. But it soon became very evident that the friends of the bill were gaining ground. . . . Herman Timme of Douglas county was not expected to be present, owing to his severe illness, but he was brought down on the noon train. Mr. Timme was taken to the State House in a

³⁴ Kearney Daily Hub, April 15, 1915.

³⁵ House Journal (1895), 1260 .

³⁶ The vote in the House was 62 for, 30 against, and 8 absent and not voting; House Journal (1895), 1262; in the Senate the vote stood 23 for, 9 against, one excused; Senate Journal (1895), 1139.

carriage, and he was bodily carried to his seat by Charles Youngers of the eighth ward, Tom Mahommet of the fourth ward, and Jean Allan of the United States of America. . . . Timme's arrival was the cue for a great demonstration of applause.³⁷

Two bills of minor importance might be considered at this point. One provided for the consolidation of the office of city treasurer of Omaha with that of county treasurer of Douglas county. The main objection to this act was that it amended the school laws without making any reference to them, because the city treasurer of Omaha was ex-officio treasurer of the board of education. This mistake really made the law unconstitutional.³⁸ The second bill extended the tenure of office of the school board of South Omaha. The friends of the retiring officials had conceived the idea that it would be easier and more certain to keep them in office, if a law could be enacted which permitted the school board to hold over until another general election. The governor suggested that the best way to settle a school row would be by an honest election permitting an honest majority to rule.³⁹

³⁷ World Herald, April 4, 1895.

³⁸ Manuscript Laws (1905), 1892. Messages and Proclamations (1900-11), 266.

³⁹ Manuscript Laws (1911), 547.

C. ADMINISTRATION OF JUSTICE.

Vetoes relating to the administration of justice may roughly be divided into two groups, vetoes of bills providing for some change in the organization of courts and vetoes of bills relating to the enforcement of justice. The earliest sign of a change in the organization of the courts which appeared in the veto messages was a bill passed in 1861, when the legislature provided for the appointment of masters in chancery. The governor objected to the bill because it would abolish all masters in chancery acting at the time without authorizing them to finish up the work already started. Therefore some districts might be without masters in

chancery for some time. The governor considered this a fundamental objection.¹

The constitution provides that the legislature shall "whenever two-thirds of each house" deem it necessary, "increase the number of judges of the district courts, and the judicial districts of the state." In accordance with this provision the legislature in 1893 passed a bill providing for an additional judge in the twelfth district. The governor objected to this because the judicial work in the district did not demand it. "For a long time there has been a tendency to multiply judges and thus increase the expenses of the state."² The legislature reconsidered the bill, but a motion to pass it over the veto failed.³ This case did not end here. Mr. L. R. Main of Buffalo county applied for a writ of mandamus against the governor, because he had neglected to appoint an additional judge for the twelfth district on the ground that the bill originally passed the legislature by a two-thirds vote. He held that the signature of the governor would be unnecessary because only a three-fifths vote could pass the bill over the objection of the executive. The case went to the Supreme Court of the State, and this body held that, although the bill had passed the legislature by more than a two-thirds vote, it was necessary for the governor to sign the bill, or the legislature must repass it, before it became effective. The governor is a part of the law-making machinery of the state, and every bill must go to him for approval or disapproval.⁴

At the following session the legislature again passed an act to change the judicial apportionment by providing for an additional judge in the third district, making the act effective in 1896. The executive vetoed the bill because the third judicial district apparently had no greater need of an additional judge than other parts of the state.⁵ According to the constitution veto messages of bills vetoed after the adjournment of the legis-

¹ Council Journal (1861), 102.

² House Journal (1893), 749.

³ The vote was 42 for, 34 against, and 23 not voting; House Journal (1893), 750.

⁴ 36 Nebr. 835. This opinion contains a good discussion of the principles involved.

⁵ Messages and Proclamations (1891-99), 247.

lature shall be filed with the secretary of state. This message was filed with the secretary of state, and the legislature had no opportunity to reconsider it. But the newspapers reflect a little of the popular sentiment. The *State Journal* declared that portions of the state were surprised, when they learned of the veto, and regarded it as a political move. "When the measure was pending in the legislature it became known that Judge Bush, the Populist judge of this district (Gage county), was opposed to it and was said to have worked against its passage. . . . That he and the governor are close political friends is known and it is believed that his objections to the bill had no little effect in influencing the governor's veto."⁶

Time and again the Supreme Court has been overcrowded with work. In order to relieve this congestion there has been created from time to time a Supreme Court Commission to do some of the work. In 1893 the legislature enacted a law providing for the appointment of three commissioners, "no two of whom shall be adherents of the same political party," to aid in the performance of the duties of the Supreme court. The men were appointed by the Supreme Court to serve for a term of three years.⁷ Two years later this act was amended and the commission continued. The same was attempted again in 1899, but the governor vetoed the bill. Governor Poynter gave the following reasons for his veto: First, "the law creating the Supreme Court Commission was enacted because it was thought the interest of the people demanded it." But the people had twice refused to adopt amendments to the constitution authorizing the increase of the Supreme Court. The expressed will of the people ought to be recognized and in view of that fact, the governor had no choice in the matter. Second, the law as in operation the past six years had had a tendency to lessen the weight and lower the dignity of the Supreme Court decisions. It had happened that the two members who constituted by their agreement the opinion of the court had been met by a dissent by the other member of the court and all three members of the commission. Third, the public service did not demand the con-

⁶ *State Journal*, April 12, 1895.

⁷ *Laws of Nebraska* (1893), 150 f.

tinuance of the commission. The employment of "expert clerical help or when occasion demands, referees of unquestioned legal ability and fitness would meet all the requirements of the public service." Fourth, the law was too definite. The people might change the Court, but neither the popular will nor the court itself could change the commission. The commissioners ought to serve only when actually needed by the Court.⁸ The bill with objections was returned to the house, and upon reconsideration it failed to pass.⁹ By the newspapers we are informed that the friends of the bill were not all of one party. Some Republicans were for the bill, others were against it. The Kearney Hub thought that the governor's message begged the question and stated that the "conclusions were based on bare presumptions."¹⁰ That the entire state did not agree with this opinion was proved by the fact that at a meeting of the executive committees of the democratic, populist, and silver republican parties a resolution was adopted endorsing the action of the governor and expressed as their opinion that the people would "sustain him in this action."¹¹

The World Herald considered the reasons advanced by the governor against the bill "entirely sound," and went on to say that as "a practical feature of judicial machinery the commission has been an ignominious failure." When the commission was created it was believed that it would be a valuable aid, but, on account of the tactics adopted by some of its members, the large majority of Nebraska lawyers "have become thoroughly disgusted with the commission."¹² In this whole affair the outside influences on legislation are powerfully illustrated.¹³

Modern ideas of criminology have established the wisdom of giving the trial judge the power to send a criminal to the penitentiary for an indeterminate period. In harmony with this idea

⁸ House Journal (1899), 944 f. Messages and Proclamations (1891-99), 529.

⁹ The vote stood 45 for and 45 against; House Journal (1899), 968.

¹⁰ Kearney Daily Hub, March 17, 1899.

¹¹ World Herald, March 16, 1899.

¹² World Herald, March 15, 1899.

¹³ For an inside history of the bill see World Herald, March 17, 1899.

the legislature passed a bill creating a Prison Board. The board was to have "jurisdiction of hearings on the applications of paroles." Governor Shallenberger objected to the bill for three reasons. First, if the legislature could create a board to conduct hearings on applications for paroles there existed no valid reason why the same board could not be empowered to conduct hearings on applications for reprieves, pardons, or commutations, since these duties are so intimately connected. Second, a law was then in effect which did not make it necessary to spend so much time in conducting hearings for paroles as formerly. Third, the act created two new officials with a salary of \$10.00 a day, and did not fix a maximum salary that could be drawn by these officials. Business experience has demonstrated the necessity of fixing a maximum salary for all public officials; and no appropriation had been made to defray the expenses arising under the act.¹⁴

In the opinion of some people the judiciary ought to be non-partisan for there should be no distinction between a republican or a democratic interpretation of the law. The legislature of 1911 passed an act providing for a non-partisan election of the judiciary. The governor vetoed the bill. His reasons were that the Supreme Court of this state had established a record for fairness and careful work, and, because men who had written those opinions were products of partisan politics, there was no reason for a change to a theoretically non-partisan system. But strictly speaking the measure was not non-partisan, because it made it possible for special interests to endorse a judge and therefore build up a more dangerous partisanship. In the lobby "a corporation appointed boss" had been working for the bill.¹⁵

The senate immediately passed the bill over the objections of the governor,¹⁶ but in the house the motion to repass it was de-

¹⁴ Manuscript Laws (1909), 1347. Messages and Proclamations, (1900-11), 497.

¹⁵ House Journal (1911), 815-8. Messages and Proclamations (1911 f.) 87-93.

¹⁶ The vote stood 20 for and 12 against the passage; Senate Journal (1911), 804.

feated.¹⁷ The vote was strictly partisan.¹⁸ The legislature was pledged to pass such a bill, but it appeared that the governor had not expressed his views. The democrats claimed therefore that the governor defeated the expressed will of the people.¹⁹ But the Bee seemed more inclined to approve the governor's action.²⁰

The enforcement of justice is very important especially in a new country. As early as 1857 the moral fiber of the Territory was on trial. Judge Bradford, chairman of the judiciary committee, introduced a bill to repeal "all our criminal laws passed at the first session of the Legislative Assembly, and that portion of our civil code adopted from the code of Iowa." Governor Izard expressed his doubts as to the wisdom of sweeping away "a very large majority of the laws now on the statute books," since no substitute was offered. Only the common law remained as a basis for the punishment of any "crime of statutory nature."²¹ But the bill was quickly passed over the objections of the governor.²² This action of the legislative assembly aroused the indignation of the press. The Nebraska Advertiser said: "The bill had the same fate in the House, and passed by a decided majority, and today, there are no laws in Nebraska except Ferry and Bank charters. . . . We hold the originator of such fraud responsible and though we were at one time disposed to regard Mr. Bradford as an honest, conscientious man, we are now forced to the conclusion that he is the most dangerous and corrupt man there was in that body of reckless knaves. He knew the effect of the bill he was introducing, and we now know the objects he seeks to attain, the principal of which, we are informed, is to enable

¹⁷ The vote was 50 for and 45 against; House Journal (1911), 833.

¹⁸ "For the first time in the history of the senate, the democrats voted solidly together to pass the bill over the governor's veto." State Journal, April 7, 1911.

¹⁹ World Herald, April 7, 1911.

²⁰ "Experience has proven that political organizations are very necessary to the continuance of popular government." Omaha Bee, April 7, 1911.

²¹ Council Journal (1857), 158.

²² The vote in the Council was 12 for and one against; Council Journal (1857), 162; in the House the vote stood 24 for and 2 against; House Journal (1857), 192.

the murderer Hargis to escape the penalty of his crime. . . . he (Bradford) is almost as much to be feared as the murderer himself." The paper goes on to say that Mr. Bradford secured the passage of the law "by downright falsehood and abuse of confidence and respect reposed in him, (and) he deserves to be held up to the Public contempt of all well wishers of this Territory."²³

In 1861 the legislature passed an act to restore citizenship to a man who had been convicted of manslaughter. Governor Black did not approve the bill for three reasons: First, it might turn out that this conviction had not deprived him of citizenship; second, later findings did not bring out anything in his favor but quite to the contrary; third, the man was sentenced not by the judge, but by the jury in accordance with the criminal code of the Territory.²⁴

A few years later the state legislature passed a bill to repeal an act authorizing the governor to employ counsel "except in special cases"; and it provided that the governor should "report to the succeeding Legislature his action in the premises." The governor objected to the bill because cases might arise when it would be to the interest of the state to employ counsel. He stated that he had engaged counsel to secure the confirmation of some of our state lands granted by Congress. In such cases the very best counsel was required.²⁵

An act providing for the prosecution of criminal offenses by information was vetoed by Governor Dawes, because he had already approved a bill containing similar provisions. Thus the services of grand juries was dispensed with unless called by the district judge.²⁶

In 1885 a bill was passed to determine the title to lands in Lancaster county. The governor objected to the bill on the ground that, although it might prove convenient for the purpose of fixing and defining boundaries, there was great danger that it might "revive obsolete claims which have long since ceased to have any semblance of validity."²⁷

²³ Nebraska Advertiser, March 8, 1857.

²⁴ Council Journal (1861), 235.

²⁵ Senate Journal (1871), 253.

²⁶ Messages and Proclamations (1866-92), 368.

²⁷ Messages and Proclamations (1866-92), 369.

Two years later a bill was adopted authorizing the plaintiff in a libel suit to bring the action in any county in the state in which the libel had been circulated. This bill was vetoed on the ground that it would give the plaintiff too great advantage over the defendant, and would tend to increase litigation.²⁸

In 1895 the legislature passed a bill granting the state a right to change of venue. The Attorney-general, on behalf of the state, would be allowed to file his affidavit in any criminal case to the effect that the state could have a fair and impartial trial. Governor Holcomb objected to the bill chiefly on the ground that change of venue is really a judicial matter, and the bill made it mandatory on the trial judge to order a change of venue upon the filing of an affidavit by the attorney-general. The bill gave no discretionary power to the judge.²⁹ Although there was considerable interest in the subject the republican members in the Senate felt that they were not strong enough to pass the bill over the objections, therefore it was decided in caucus not to make any further attempt.³⁰

A person who is at "the head of a family and has neither lands, town lots, or houses subject to exemption, shall have exempt from forced sale on execution the sum of \$500.00 in personal property." Governor Aldrich considered this bill class legislation because it gave a person at the head of a family an advantage in that it granted him \$500.00 in property, whether personal or not, exempt from forced sale together with \$500.00 in wages which was considered personal property. This bill therefore worked an injustice which should not be tolerated.³¹

It is often expensive to have the record in the office of the district court transcribed for the appellate court. In order to eliminate this expense the legislature in 1913 passed a bill authorizing the transfer of the original record to the appellate court. The governor objected to this innovation on the ground that the

²⁸ Messages and Proclamations (1866-92), 464.

²⁹ Senate Journal (1895), 695; Messages and Proclamations (1891-99), 217.

³⁰ State Journal, March 15, 1895.

³¹ House Journal (1911), 873; Messages and Proclamations (1911 f.), 97.

cost was negligible compared with the danger of losing the record. He conceived that the record would be sent from law office to law office until finally it would reach the Supreme Court.³²

An act was passed in 1911 to limit the fee of justices of the peace. The act was local in application and affected only Douglas county, and it was intended to take effect when the municipal court came into operation. The introducer requested the governor to veto the bill because it work hardships on the justices of the peace.³³

In 1883 the legislature passed a bill to abolish the office of prosecuting district attorney and to elect instead county attorneys. The governor considered that the method therein used met very admirably the needs of the time. It was more economical and more efficient than he had reasons to expect the county attorney system would be. Justice was being meted out so that a reputation had been established both at home and abroad.³⁴

Four years later a bill related to this one was adopted. It provided for the appointment of assistant county attorneys "requiring them to give bonds the same as is required of county attorneys." The objections to this bill as stated in the governor's veto message were that the assistant county attorneys were to serve "without compensation from the county" except "in counties with 50,000 or more inhabitants," and made it impossible for the court to allow them any compensation by repealing the old law.³⁵ The governor thought that the state had no right to ask for the service of any one without paying a reasonable compensation.

³² Senate Journal (1913), 1089; Manuscript Laws (1913), 994.

³³ Messages and Proclamations (1911 f.), 312.

³⁴ Messages and Proclamations (1866-92), 301, 306.

³⁵ Messages and Proclamations (1866-92), 573.

D. THE PROTECTION OF THE ECONOMIC INTERESTS OF THE STATE.

To preserve the economic interests of a state is not always the easiest task. This fact is vividly illustrated by a study of the

continuous line of bills affecting economic interests vetoed by the governors.

At the time Nebraska Territory was organized a very hopeful feeling prevailed throughout the nation. Everyone was prosperous. Every one speculated. Under such circumstances the newly organized Territory had to advance what was considered its interests. It was thought that this could be accomplished by chartering new banks and the legislature passed bills chartering several of them. But the governor doubted the prudence of this action and one day he vetoed bills creating six such banks. In his messages the governor called attention to the dangers of "wild cat" banking illustrated by the experience of other states. He felt, however, that the demand for these unnecessary banks, as he considered them, was so great that he closed one message by saying: "Acting upon the principle that it is better one man should die for the State than all should perish, I most cheerfully take the responsibility of withholding my signature from the bill."¹ That the fear of the governor was fairly well founded was proved by the fact that the legislature proceeded to reconsider the bills and and repassed three of them.²

Banking institutions were not alone in the rush to secure individual charters. A large number of other institutions followed, so that the governor felt that the movement ought to "be subdued and checked." His views were that no special laws should be enacted when general laws would suffice, and that the legislature should reserve the right to repeal or modify laws creating private corporations. Indeed the legislature had passed a general law in 1857 for the purpose of regulating ferries. To pass a bill granting an individual charter after the general law was in force the Governor considered improper.³ When one company found that the cost of operating a steam ferry would be greater than another kind, it requested the charters amended so as to erase the word "steam."⁴

Even corporations for educational purposes rushed in. To a

¹ House Journal (1857), 174.

² Session Laws (1857), 144, 146.

³ Council Journal (1860), 240.

⁴ House Journal (1860), 326.

bill chartering one of these the Governor objected because it contained no limit to the amount of property the corporation could hold, and all property held by the corporation was exempt from taxes for any purpose whatsoever. So large grants are liable to be abused. It would be better to define and limit the powers and privileges granted to a corporation.⁵

The legislature passed a bill to charter a mining company in the Territory, but the governor objected to it on the ground that the company ought to have headquarters within the Territory. The amount of real estate held by any corporation of this kind should be limited.⁶

In 1866 a bill was adopted "to incorporate the Credit Foncier of America." The bill, as outlined by the company, granted powers "to erect colleges, dwellings, stores, warehouses, public and private buildings," to develop mining interests and establish a trust company with full banking power, to deal in real estate, own and rent an unlimited amount of land. In addition the company wanted power to sell stock to any individual or company in any state. In the opinion of the Governor this charter granted too much power to one company and therefore savored of feudalism. To authorize such a company to serve as a collective agency for individuals, corporations, and companies carried the privileges too far for safety, and "such acts should not receive the sanction of the legislature." According to section three of the bill any foreign corporation might obtain controlling power, and such soulless creatures ought not to be permitted "to control the charters made for the benefit of our own people."⁷

Large organizations tried to secure legislation favoring them because they were larger than others. A bill was passed to discriminate in favor of insurance companies whose assets exceeded one million dollars, but the Governor vetoed the bill.⁸ Another bill provided for the organization of "mutual fire, lighting, and cyclone insurance companies. Any number of persons, not less than one hundred, who own city or village property in

⁵ Council Journal (1861), 189.

⁶ Council Journal (1866), 146.

⁷ House Journal (1866), 132-3.

⁸ Messages and Proclamations (1891-99), 240.

the state worth at least one hundred thousand dollars which they desire to insure, may organize a mutual insurance company." In the opinion of the Governor the bill did not provide sufficient safeguards to protect the interests of the policy holders. The bill would lead "to the formation of companies wholly irresponsible and would be fruitful of endless litigation."⁸

In its endeavor to advance the interests of the state the legislature might sometimes commit acts of doubtful prudence. In 1881 the legislature passed a bill authorizing any "county, precinct, township or town, city or village or school district," to "compromise its indebtedness" whenever the officials were satisfied that the obligations could not be paid in full. The governor vetoed the bill, because it would encourage repudiation and thus injure the credit of the state.⁹ The newspapers shared the opinion of the governor.¹⁰ In 1911 a bill was passed to exempt from taxation "county, township, precinct, city, village or school district" bonds. This bill was vetoed because, in his opinion, it violated the constitution and was an "unfair, inequitable, and unjust discrimination."¹¹

An effective quarantine law against the shipment of southern cattle into the state was enacted in 1887. Two years later the law-makers proposed to repeal that law and substituted for it a measure that provided for a state veterinarian, but it took away the power to prosecute offenders. In its hurry the legislature violated the constitution in two particulars; the bill was introduced after the time for introduction of bills had expired, and it was introduced in the senate and carried an appropriation while the constitution provides that all bills appropriating money shall be introduced in the house. The governor refused to approve the bill and sent a lengthy message to the legislature. The following were his arguments against it: The new bill provided for protection which it failed to give; it violated the constitution as to appropriation bills and the time for introducing bills; it provided no penalty for its violation; it proposed co-operation

⁸ Messages and Proclamations (1866-92), 243.

¹⁰ State Journal, March 3, 1881.

¹¹ Manuscript Laws (1911), 668; Messages and Proclamations (1911 f.), 98.

with the federal government in the suppression of animal diseases without accepting the federal rules regarding the same; it authorized the veterinarian to kill diseased animals, but did not protect him against liabilities for animals thus killed.¹² The newspapers explained that the foundations of the bill were not well laid, and therefore it could not stand. The bill had been rushed through, so that no one should have time to make a good measure out of it.¹³

The railroad interests have been a vital subject of public discussion. Quite early in our history the legislators found themselves forced to take up the subject for legislative action. In 1869 an act was adopted to distribute the public lands of Nebraska among the railroad companies on condition that they build a certain number of miles of railroad within a prescribed time. Two years later the legislature amended the original law by practically removing the promise to distribute the public lands. The governor promptly vetoed the bill, because it was a violation of the obligations of the contract.¹⁴ In line with this bill came another four years later exempting railroad property from taxation above a certain amount per mile. The governor objected to the bill, because in his opinion, it was class legislation. In addition it would deprive the state of a large part of its income.¹⁵ A motion to repass the bill failed.¹⁶ But the big struggle over railroad legislation came in 1891. A bill was passed to prescribe a maximum freight rate, but the governor vetoed it. In his message the following reasons were given: In the first place the bill adopted the minimum rate of Iowa although we have one third more territory and only half the population of Iowa. The Iowa rates were regulated by a commission on the basis of the earnings of the roads, but this bill fixed rates regardless of earnings. The volume of freight transported in Iowa was more than four times as great as that transported by the Nebraska roads. It was proved by sworn statements in the auditor's

¹² Acts vetoed by the Governors (1869-99), *State Journal*, April 5, 1889.

¹³ *State Journal*, Apr. 6, 1889; *Omaha Bee*, Apr. 5, 1889.

¹⁴ *House Journal* (1871), 299.

¹⁵ *Senate Journal* (1875), 623.

¹⁶ The vote was none for and 13 against; *Senate Journal* (1875), 625.

office that the railroads were not making high returns on their investment, and the enforcement of this bill would make an end to "all projected railway enterprises and stagnate our present active railroad industries." In order to equalize their earnings the railroads would be forced to charge a higher interstate rate, and since most of our commodities were consumed in eastern states the farmers would lose on the change of rates.¹⁷ Before returning the bill the governor requested an opinion from the attorney-general as to its constitutionality, but the attorney-general refused to give an opinion in advance, "since it would be his duty to enforce the law if it were passed."¹⁸

On such a vital question it would be natural to suppose that the people should have rather decided opinions. The legislature proved this by attempting to pass the bill over the governor's objections. In the house the motion to repass it carried, in the senate it failed.¹⁹ Throughout the state the feeling was intense. Petitions came in to the governor from all parts of the state, and large delegations, mostly of railroad employees, came to request the governor's veto. Railroad companies sent in statements to show that they were right in opposing the bill. But petitions and delegations in favor of the bill were not wanting.²⁰ However, the opinion that the bill was unfair seemed to prevail throughout the state, if the press expressed the public opinion.²¹

In 1905 the legislature submitted to the people a constitutional amendment creating a Railway Commission.²² In 1911 an attempt was made to extend the authority of the commission to the control of "any public market" within the state. By this method it was attempted to control the South Omaha stockyards. The governor vetoed the bill granting this authority for the following reasons: "This act purports to give the State Railway Commission power

¹⁷ House Journal (1891), 1876-81.

¹⁸ State Journal, April 3 and 4, 1891.

¹⁹ The vote in the house was 75 for and 17 against; House Journal (1911), 1882; in the senate the vote stood 18 for and 13 against; Senate Journal (1891), 986.

²⁰ State Journal, March 27 and 28, 1891.

²¹ See further the Omaha papers, Omaha Bee April 4, 1891.

²² Adopted in 1906, Nebraska Blue Book (1915), 186.

and authority to regulate rates of stockyards and then nullifies its power and ties the hands of the commission by defining the stockyards to be something over which the commission can exercise no control . . . a public market.”²³ Members of the legislature had urged the same objections while the bill was pending before that body. No attempt was made to pass the bill over the objections of the governor.²⁴

Not only railroad companies but other organizations as well have attempted to gain unfair advantages through legislation. In 1895 a bill was passed to encourage the manufacture of sugar by providing a bounty of “three-eighths of one per cent per pound for manufactured sugar or chicory from factories now established, and one per cent per pound on the manufactured articles from the factories hereafter established.” Governor Holcomb vetoed the bill on the ground that it was class legislation, for taxes would be collected from the whole state to benefit a part of the state. The purpose of taxation was declared to be “raising of money for public uses, and excludes the raising of it for private objects and purposes.” Judicial decisions supported this reasoning. It was safer for a young state to abstain from a policy so full of danger, for this act would stimulate a certain kind of business in certain localities only, and industries should not be encouraged unless local conditions are favorable, and if these are favorable the industry will flourish without unconstitutional aid.²⁵ The legislature, however, repassed the bill.²⁶ The vote was a party vote, republicans voting in favor of the repassage and the democrats and populists voting against. But the governor’s message was considered “one of the strongest state papers ever issued by a Nebraska executive.”²⁷

According to the newspapers public opinion was more or less divided. The *State Journal* thought that “the legislature did its whole duty in passing the sugar bounty bill over the head of the

²³ House Journal (1911), 632; Manuscript Laws (1911), 538.

²⁴ *World-Herald*, March 24, 1911.

²⁵ House Journal (1895), 1167-71.

²⁶ The vote in the House was 68 for and 23 against; House Journal (1895), 1171 f; in the senate the vote was 26 for and 5 against; Senate Journal (1895), 1036.

²⁷ *World Herald*, March 30, 1895.

governor" and "believed that as a business proposition the renewal of the bounty will be hailed with pleasure by the majority of the farmers of the state."²⁸ On the other hand it was said that "in vetoing the beet sugar bill Governor Holcomb has justified the confidence of those democrats and populists who believed in equal right to all and special privilege to none."²⁹ Many of the governor's political friends urged him to allow the measure to become a law, but he "was strong enough to overcome all these appeals. . . . The great majority of the people of this state will endorse this veto and will condemn the action of the legislature in fastening this law upon the statute book."³⁰

In 1911 the telephone companies arranged to have a bill pushed through the legislature to consolidate the telephone business in the state. In his veto message the governor enumerated the following objections. First "it seeks to control and monopolize the telephone and telegraph business in existence under one management. Second, it would prohibit the organizing and operating of new companies any place in the state where any other company was in existence and doing business. Third, it abrogates existing franchises, which is contrary to the fundamental law of our land, and such an act is clearly retroactive because it impairs vested rights acquired under existing laws. Fourth, it jeopardizes the rights of the minority stockholders of the selling companies and puts them at the mercy of the purchasing corporations. Fifth, it permits the merger of two or more competing companies and then requires them, after this is done, to go before the commission and get its permission without, in the first instance, getting the right of the commission to merge. Sixth, it does not delegate to the commission authority to prevent such a merger contract, for what is the difference after the merger has been entered into whether they have the permission or not when the commission has no right to prevent the merger? Seventh, the provision for physical connection in section 4 is permissive only, and compulsory in no sense, because it requires the consent of the owners as well as the approval of the railway commission."³¹

²⁸ State Journal, March 31, 1895.

²⁹ World Herald, April 3, 1895.

³⁰ World Herald, March 30, 1895.

³¹ Manuscript Laws (1911), 742.

A thorough discussion of the whole question followed in the newspapers. Even before the governor acted, an Omaha paper expressed its wish that the governor would veto the bill.³² Another paper saw in the governor's action a new example of our inefficient method of handling public service problems, the legislature preferring to grant consolidation and control it by law, the governor opposing the entire plan.³³ Judging from the newspapers the prevailing opinion seemed to be that the "governor rendered a distinct service to the people of Nebraska when he vetoed the telephone monopoly bill."³⁴

The whole question was analyzed by a telephone man in the Omaha Bee, and his arguments were the following: Officials of both the Bell and the Independent were pushing this merger legislation. The general plan was that the Bell should control the telephone service in the North Platte country and the Independent the South Platte region. The two companies would agree as to rates. The next step would be for the Bell to absorb enough shares in the Independent company to gain control. By the time the Bell had a controlling interest the Independent interest would become valueless, and the railway commission could prevent absolutely the establishment of any competing company.³⁵

Mr. Frank Woods, President of the Independent Telephone system of Nebraska, defended "the regulatory features of the telephone bill before the Nebraska Legislature."³⁶ He used the following arguments: The law then in force did not prevent the absorption of the smaller companies. If the merger was not legalized, competition will be abolished by illegal means. There was no way to preserve the integrity of toll connection. "It will abolish the dual telephone annoyance." To this Mr. Lysle I. Abbott answered in the Omaha Bee that the monopoly law was the plainest possible, but if there were any doubt as to whether telephone companies were included, the law could

³² World Herald, April 9, 1911.

³³ State Journal, April 13, 1911.

³⁴ World Herald, April 13, 1911.

³⁵ Kearney Daily Hub, March 21, 1911.

³⁶ Kearney Daily Hub, March 23, 1911.

easily be amended so as to include them. In the second place the illegal abolition of telephone competition has been attempted by the Bell company for fifteen years, but now it has its back against the wall fighting for its very life in Nebraska. The answer to the third and fourth arguments was that there should be a "compulsory physical connection under commission supervision."³⁷

In 1907 Nebraska had a law granting power to "unauthorized Fire Insurance" companies to do business in the state. That year the legislature passed a bill granting the same privileges "to all other kinds of insurance" companies. The governor vetoed the bill on the ground that he considered it unwise to permit unauthorized companies to do any business within the state.³⁸

The building of bridges over Nebraska rivers has been a difficult undertaking for counties. In order to introduce the interest of the state a bill was passed in 1905 to authorize the state to control the "construction and repair of certain bridges of five hundred feet or more in length, located on or as a part of public roads." Governor Mickey was opposed to this measure for it would be "just one step from the state controlling the larger bridges to those of lesser length." In his opinion there was no reason for the state "to enter upon an era of bridge construction for the benefit of the various counties." The work could be properly performed "by the counties, or by private or corporate enterprise."³⁹ The newspapers said that the veto occasioned "no surprise and will cause very little criticism."⁴⁰

The governors have not only prevented corporations from monopolizing the resources of the state, but they have also objected to, what they have considered, ill advised activities of the state. Thus, when the legislature passed a bill creating a

³⁷ Kearney Daily Hub, March 30, 1911.

³⁸ Manuscript Laws (1907), 1305; Messages and Proclamations (1900-11), 353.

³⁹ Manuscript Laws (1905), 1887; Messages and Proclamations (1900-11), 265.

⁴⁰ Grand Island Independent, April 8, 1905.

"board of immigration and industrial statistics," the governor objected to the bill on the grounds that it provided for an unnecessary expense inasmuch as the work to be performed could be accomplished by the bureau of "Labor and Industrial Statistics."⁴¹

In 1905 a bill was passed to authorize the state to publish an "official statute" at \$9.00 per volume. The governor considered the act improper, because the state had been purchasing its supply of the Compiled Statutes at the rate of \$2.50 per volume. The total expense involved was said to be \$4,500.00.⁴² But the legislature repassed the bill over the objection of the executive.⁴³

At times it seems that the legislators have felt inclined to commit the state to an industrial development through state action. Thus in 1905 a bill was adopted providing for the "erection of a hard fibre binding twine plant at the Nebraska State Penitentiary." The bill authorized an issue of state bonds to the amount of \$2,000,000.00, "the proceeds of the sale" of bonds to be used in establishing the plant. The governor considered this undertaking questionable for the following reasons: The state was struggling with a debt of over \$2,000,000.00; the experience of other states that had established twine factories did not justify the experiment; the state received more from the sale of convict labor than could reasonably be expected from a twine plant.⁴⁴ It seemed that a large number of farmers of the state were in favor of this bill and wished it enacted; and a number of representatives who voted in favor of the bill requested the governor to veto it, thus leaving the executive to bear the responsibility.⁴⁵ But, remarked the Norfolk News, if "the binding twine proposition

⁴¹ Manuscript Laws (1891-99), 246.

⁴² Senate Journal (1903), 886. Messages and Proclamations (1900-11), 196.

⁴³ The vote in the Senate was 23 for and 9 against; Senate Journal (1903), 899; in the House the vote was 67 for and 24 against; Senate Journal (1903), 917.

⁴⁴ Manuscript Laws (1905), 1896; Messages and Proclamations (1900-11), 271.

⁴⁵ State Journal, April 5, 1905.

for the penitentiary is a good thing it will be just as good when the state has paid up its debts and has an accumulation of money on hand with which to speculate."⁴⁶

In 1913 the legislature proposed to establish a "fish hatchery on the south branch of Verdigre Creek in Antelope county," making an appropriation of \$5,000.00 for the building and maintenance. This action the governor disapproved, because the state already had two hatcheries which ought to be sufficient, and it would mean a constant outlay for superintendent and other expenses increasing from year to year.⁴⁷

At times there has been a feeling that the natural resources of Nebraska have not been developed as they ought. In order to advance such interests a bill was passed to authorize test borings "for the discovery of oil, coal, gas or artesian water . . . and to appropriate money to aid such borings." The objection urged against this bill was that the "depleted condition of the state's finances" made it unwise to allow it to become a law.⁴⁸

In its endeavor to work for localities the legislature sometimes loses sight of constitutional provisions. It appears that certain counties had paid in taxes to the state treasurer in excess of their tax levy. The legislature provided that these should be paid back to the counties "entitled thereto the amount of excess" by a "method of bookkeeping," without a legislative appropriation. In the opinion of the executive this act was in conflict with the constitution.⁴⁹

In order to establish and commemorate the immigrant trail the legislature adopted a bill in 1913 "to pay the cost of surveying and marking the trail through Nebraska." Although the object of this bill was acceptable the governor suggested that it could be attained better through private enterprise,

⁴⁶ Norfolk Daily News, April 5, 1905.

⁴⁷ House Journal (1913), 1462; Manuscript Laws (1913), 1011.

⁴⁸ Manuscript Laws (1905), 1968; Messages and Proclamations (1900-11), 275.

⁴⁹ Manuscript Laws (1905), 1908; Messages and Proclamations (1900-11), 269.

since the state had been called upon to make an emergency appropriation for the relief of the tornado sufferers.⁵⁰

A measure was passed amending the irrigation law of the state, but the governor objected to the change and gave the following reasons: "It takes the money out of the state fund paid in by all the taxpayers of the state, and appropriates it for the benefit of just a few. . . . It places no restriction on the amount of money to be expended by the state engineer in employing commissioners to look after these irrigation districts. . . . It increases the salary of the assistant engineer from \$1,200.00 to \$1,800.00 per annum."⁵¹ The legislature reconsidered the bill and adopted it after certain amendments had been made in harmony with the governor's views.⁵²

The condition of the finances of the state has apparently justified the vetoing of several bills relating to educational and other institutions of the state. A bill was vetoed which provided for the erection of a library building and a combined chapel and gymnasium building for the "State Normal School located at Peru."⁵³ This bill carried an appropriation of \$75,000.00. Likewise a bill was vetoed which appropriated \$85,000.00 to erect two wings of the Kearney Normal School.⁵⁴ In the case of the Kearney building the people were unwilling to give up easily an enlargement of their institution. Therefore, a writ of mandamus was gotten against the secretary of state because he had failed to authenticate the act providing for this addition to the building. But the Supreme Court approved the action of the secretary of state.⁵⁵

The governor thought it unwise to allow an appropriation of \$50,000.00 for the erection of a detached building "to be

⁵⁰ House Journal (1913), 1444; Manuscript Laws (1913), 1005.

⁵¹ Senate Journal (1913), 1020; Messages and Proclamations (1911 f), 239.

⁵² Approved by the Governor April 21, 1913; Messages and Proclamations (1911 f), 240.

⁵³ House Journal (1901), 868.

⁵⁴ Manuscript Laws (1907), 1264.

⁵⁵ 79 Nebr. 532.

used as a tubercular at the State Asylum for the Insane at Hastings.⁵⁶

The constitution of 1875 permitted the governor to veto any item or items in bills appropriating money. This provision was practically a dead letter until 1895 when Governor Holcomb made use of the power and trimmed off \$20,500.00.⁵⁷ This sum was divided between an appropriation of \$12,500.00 for the purpose of buying a certain number of the Compiled Statutes, and another of \$8,000.00 for the salaries of an additional judge and a court reporter for the third judicial district. Because the bill for an additional judge was vetoed the salaries could be saved for the state.⁵⁸ At the following session he vetoed a group of claims against the state amounting to \$12,709.13.⁵⁹ Now a precedent was established and the example was followed by every governor.

In 1899 the governor vetoed an item of \$2,000.00 providing for the payment for the services of the stenographers of an investigating committee appointed by the senate.⁶⁰ Governor Dietrich also vetoed items in three bills aggregating \$150,377.66, including \$15,200.00 for salaries, \$13,017.66 for claims, and \$15,000.00 for bounties on scalps of wild animals. The rest was taken off the appropriation for state institutions, the largest item of \$90,500.00,⁶¹ being for the State University. Four years later Governor Mickey vetoed "items of indebtedness" amounting to \$2,700.00.⁶²

Since then items have been vetoed every session of the legislature down to 1913. Governor Sheldon vetoed items amounting to \$64,411.50 divided among bounties on wild animals, a total of \$57,411.50, the State Normal School at Peru, the sum of \$5,000.00 and the remainder from a deficiency appro-

⁵⁶ House Journal (1913), 1443.

⁵⁷ Messages and Proclamations (1891-99), 248.

⁵⁸ Messages and Proclamations 1891-99), 241.

⁵⁹ Messages and Proclamations (1891-99), 362-6.

⁶⁰ Messages and Proclamations (1891-99), 537.

⁶¹ Laws of Nebraska (1901), 547, 571, 580; Messages and Proclamations (1900-11), 91, 94, 96.

⁶² Laws of Nebraska (1905), 734; Messages and Proclamations (1900-11), 270.

priation bill.⁶³ At the following session items aggregating \$75,000.00 were vetoed. The largest item of these was taken off an appropriation for the State Historical Society, \$40,000.00. The next highest item, \$20,000.00 was vetoed on the appropriation for the University experiment station. The appropriation for the Hospital for Insane at Norfolk and the State Normal School at Peru was reduced by items of \$10,000.00 and \$5,000.00 respectively.⁶⁴ In 1911 only one item of \$250.00 was disapproved.⁶⁵ At the next session Governor Morehead vetoed two items amounting to \$115,681.93. The smaller item of \$681.93 was for an individual and the larger item of \$115,000.00 had been appropriated for a "Dairy Building and extension of heating plant, and an Astronomical Observatory."⁶⁶

Attempts at reorganization of the state government with the aim to improve its efficiency and economy have not been wanting. These attempts are of rather recent origin. Thus in 1913 a bill was passed providing for "a classified civil service for the state institutions." It provided that the Board of Commissioners of State Institutions should administer the law, "conduct examinations . . . provide for promotions and removals." All appointments of officials and employees in the state institutions were to be made in accordance with the act. The governor vetoed the bill, but in doing so expressed the opinion that the measure was not thorough going enough, and that, "another act under consideration by the legislature would be preferable."⁶⁷

In the opinion of the newspapers the bill was a step in the right direction and the voters of all parties had been waiting for such a change because they were more interested in good government than the partisan game. The law included a pro-

⁶³ Laws of Nebraska (1907), 562, 579; Messages and Proclamations (1900-11), 355.

⁶⁴ Laws of Nebraska (1909), 653; Messages and Proclamations (1900-11), 499.

⁶⁵ Laws of Nebraska (1911), 662.

⁶⁶ Messages and Proclamations (1911 f.), 245, 247.

⁶⁷ House Journal (1913), 1445; Manuscript Laws (1913), 1013; Messages and Proclamations (1911 f.), 241.

vision for the appointment of state employees, but it omitted superintendents of institutions, "and it is at the top that this reform should have commenced." But it seemed as if "the heads of the Nebraska state institutions had convinced Governor Morehead that the civil service bill passed by the legislature" was not a good thing. They objected, and the governor vetoed the bill.⁶⁸

Two years later the legislature passed an act creating "a state efficiency survey commission." A similar commission had been at work for two years and made a report in which recommendations were made to improve the work of the legislature by reducing the number of committees and also to save the state from unnecessary expenses by adopting "a scientific budget system for state expenditure."⁶⁹ The bill of 1915 was, however, vetoed for the following reasons: The bill created a Board "with powers to do more than may now be done by the Board of Commissioners of State Institutions working in conjunction with the Legislative Reference Bureau and state accountant;" and the governor was opposed to the creation of any new boards. The bill "contemplates the expenditure of \$4,000.00 of the people's money for which they are not likely to receive adequate returns." The Board of Commissioners was created for the purpose of taking over the management of the state institutions, and it would be better to let them work out their own plans before creating another board to work out "a new and perhaps different theory of conducting business."⁷⁰

The constitutionality of the bill was also questioned, because the bill provided that the members of the commission should "meet and do certain work within thirty days from the adjournment of the legislature," although the act itself would not take effect for ninety days after the adjournment of the legislature.

The newspapers had another theory as to the meaning of the governor's action. "The commission was to consist of six members of the legislature and therein lay the objection. The

⁶⁸ Kearney Daily Hub, April 22, 1913.

⁶⁹ Reform of Legislative Procedure in Nebraska. Bul. 4 Legislative Reference Bureau.

⁷⁰ Messages and Proclamations (1911 f.), 313.

constitution provides 'that neither members of the legislature nor employees shall receive any pay or perquisite other than their salary and mileage.''' The Kearney Hub explained that the appropriation was to cover "only the expenses of the commission."⁷¹

⁷¹ Kearney Daily Hub, April 20, 1915.

E. VETO OF BILLS AFFECTING THE SOCIAL RELATIONS.

The slavery question also played a part in Nebraska politics. Several times the territorial legislature tried to pass a bill to prohibit slavery but failed.¹ Finally in the sixth session the legislature was able to pass a bill to prohibit slavery, but Governor Black interposed a veto. The following session the legislature again passed a bill which was promptly vetoed. But this time the legislature had the courage to repass the bill and thus repudiated the position taken by their governor.² The extensive message contains the following arguments: the territories were the common property of all the states; the right of property was recognized in the Dred Scott decision; when the people shall form the constitution and enter the union as a state it is time to settle the question of property right in slaves. But the legislature was of a different opinion and adopted the bill over the executive objections. The vote in the house was almost unanimous.³

Not only the law-makers but the public in general was aroused. Mass conventions passed resolutions against slavery asserting that the Territory had a right to "regulate or prohibit slavery" through its chosen representatives.⁴ The Advertiser

¹ For a full discussion of the question of slavery in Nebraska see the Morton-Watkins History of Nebraska, II. 39-71.

² These vetoes have been treated together, because both the bills and the veto messages are similar in principle and almost in form.

³ The vote stood 31 for and 2 against; House Journal, 11th session, p. 180; Session Laws (1861), 43.

⁴ "Resolved, That the people of Nebraska have the power through their legally chosen representatives . . . to regulate their own domestic institutions, and that it is their duty to exercise this for the purpose of prohibiting slavery." People's Press, February 14, and 17, 1860.

declared that even the South was "forced to acknowledge that their peculiar institution is too slow a coach for this Young American progressive age—it can't keep up. . . . The only way therefore additional slave states are to be had in this latitude is by direct congressional interference . . . and we are called upon to yield a great national principle, because forsooth it does not suit a particular section of the country, and they cannot keep up with the progress of the age. Out upon such nationality!"⁵

A few years later a bill was passed "to remove the distinction on account of race and color in the school laws of Nebraska." Because Governor Saunders was absent from the Territory, the secretary of state acted as governor. He vetoed the bill because, although the bill provided for the enumeration of colored people for the purpose of taxation for school purposes, the act did not sanction the use of money so obtained for educating colored children. In his opinion persons who are taxed for school purposes ought to be granted the privileges of education. It would, however, be better to provide separate schools for colored youths, because there existed a strong prejudice "in the public mind against the intimate association of the youths of the two races in the same school," and "no amount of legislation can eradicate" this feeling. He suggested further that each community be left free to act on this question as local conditions warranted.⁶

In 1895 the legislature thought the prejudices of which Secretary Paddock spoke had disappeared to such an extent that it passed a bill to "legalize marriages between white and black races." Governor Holcomb objected to this bill on the grounds that it was hurriedly enacted and probably did not represent public opinion on the subject.⁷

It was not merely in connection with slavery that social questions came to the front. In 1867 the legislature passed an act "to declare the age of majority." The secretary, serving in the absence of the governor, vetoed the measure for the reason that the change might prove injurious to some people. In

⁵ *The Advertiser*, February 16, 1860.

⁶ *Hous. Journal* (1867), 253.

⁷ *Messages and Proclamations* (1891-99), 249.

order to save "the patrimony of the ward from a faithless guardian, it may be wiser to allow a person to marry at sixteen rather than make them wait until eighteen" as this bill provided.⁸

In 1883 the legislature passed a bill "to regulate the practice of pharmacy and sale of poisons and to prevent the adulterations in drugs and medical preparations." It provided for a "State Pharmaceutical Examining Board." The governor disapproved the bill because the duties of the board would be executive and the constitution prohibits the creation of any new executive officers. In addition to this the bill provided that "fines and penalties for violation of this act shall be held by said Board and be applied to the expenses and salaries." This section conflicted with the constitution which provides "that all fines, penalties and license money arising under the general laws of the State shall be appropriated exclusively to the use and support of common schools."⁹ It is therefore evident that the objections were of a constitutional nature rather than against the policy of the bill.

The various schools of medicine differ regarding the proper preparation for the practice of medicine. In order to standardize the different medical schools a bill was passed in 1905 "to make the practice of Christian Science healing unlawful and punish practitioners unless they educate themselves in materia medica, therapeutics, surgery and other branches of the secular medical profession." In his veto message the governor objected to the bill because it was amendatory in nature and made no reference to the law it changed. Furthermore, he declared the state had no right to interfere with the freedom of religion for in Christian Science the ideas of worship and healing are very closely connected. The reason for passing such a bill, he thought, was professional intolerance.¹⁰ The Independent suggested that perhaps some one had given "the governor the absent treatment."¹¹

⁸ Council Journal (1867), 174.

⁹ Messages and Proclamations (1866-92), 303.

¹⁰ Messages and Proclamations (1900-11), 263-5.

¹¹ Grand Island Independent, March 30, 1905.

A bill "to define conditions of child dependency, neglect, cruelty, ill treatment, and to prescribe methods for the protection" of dependent children and "to provide punishment for violation of this act" was passed in 1903. The bill proposed to give jurisdiction in the matter to the district court in counties having more than 40,000 inhabitants, and to the county court in counties having a smaller population. This provision of the bill violated the constitution in that all laws regarding the courts must be general and this bill proposed to give jurisdiction to one court under one set of conditions and to another under other conditions. Therefore, the provisions of the bill could not be enforced.¹²

The liquor question has been an issue in Nebraska politics since the first prohibition law was passed in 1855. With varying success the two sides have struggled. It seems to be generally conceded that the breweries have not acted wisely in their attempt to control legislation in their favor. In order to advance what was considered their interests a bill was passed to permit the establishment of saloons at Fort Crook. The bill was vetoed because it was against the "morality, discipline, and health of the soldiers of our army quarters there."¹³ When the house reconsidered the bill "some who desired to vote against the veto hurriedly absented themselves from the hall rather than go on record."¹⁴ It was said that the governor by his veto saved the saloons from a more intense hatred.¹⁵

In 1913 a bill was passed "to prevent the procreation of certain classes of criminals, feeble minded, and other defectives; to provide for the appointment of a board of examiners by the board of commissioners of public institutions." The bill provided further for counsel for persons operated upon, for the keeping of records of the proceedings of the board, and declared illegal all operations to prevent procreation of the human species except as authorized by this act unless the same

¹² Manuscript Laws (1903), 1443; Messages and Proclamations (1900-11), 202.

¹³ Messages and Proclamations (1900-11), 487.

¹⁴ State Journal, March 21, 1909.

¹⁵ State Journal, March 23, 1909.

shall be a medical necessity. Governor Morehead objected to the basic principle of the bill for he declared that its provisions were "more in keeping with the pagan age than with the teachings of Christianity." He was also in doubt as to the constitutionality of the bill. Moreover as the wards of Nebraska confined to public institutions, had been segregated there was practically no reason for passing the bill.¹⁶ The motion to pass the bill over the objections of the executive carried in the senate, but failed in the house.¹⁷

Newspapers stated that public sentiment had been influenced by a large number of cases of this nature. If no legislation of this sort was enacted there ought to be, in the opinion of the *Grand Island Independent*, "a greater degree of detention of the criminals, the record of whose conviction show a particularly vicious tendency."¹⁸

Two governors had already recommended the enactment of a law in accordance with the principle of this bill, and several states have such laws. Following this line of reasoning the *State Journal* summarized a study of degeneracy in New Jersey, and arrived at the conclusion that the governor lacked information on social questions. It suggested that Arthur Mullen had expressed the objections stated by the governor.¹⁹

Even amusements have come in for their share of executive supervision. The Sunday baseball bill, passed in 1911, was vetoed principally on the grounds that counties were not empowered to supervise the playing of baseball within their limits and a large number of citizens would be forced to submit to the playing of baseball even if they were opposed to it.²⁰

The governor had given notice to republican members of the legislature that he would veto the bill, if it came to him in that form. He had also suggested some amendments. These amendments would have been adopted according to current reports if the chairman of the democratic central committee had not "used his

¹⁶ Senate Journal (1913), 936; Manuscript Laws (1913), 985.

¹⁷ Senate Journal (1913), 949, 956; World Herald, April 15, 1913.

¹⁸ Grand Island Independent, April 16, 1913.

¹⁹ State Journal, April 15 and 16, 1913.

²⁰ House Journal (1911), 788-9; Manuscript Laws (1911), 531.

influence to prevent any change.”²¹ The governor protested against such uncalled for ‘interference in legislative business by a political boss. The chairman admitted, in the *World-Herald*, that he had asked a number of his friends in the house to vote for the bill as it came from the senate. “I did so because I believed the bill to be a fair and just one and also because my own town of Columbus was interested in its passage.”²²

Education has also been guarded by the executive. In 1866 the territorial legislature passed a bill authorizing the governor to “make arrangement with some state institution for receiving and educating the deaf and dumb and blind children residing in Nebraska.” He was to see to it that the children were clothed “and otherwise made comfortable.” He was authorized to determine what portion of the expenses for education of these children should be paid by the parent or guardian of the child. The objection to the bill was that it contained no provision requiring the Territory to pay “the whole or any part” of the expenses for the education of such children. Presumably the legislature had intended to make this provision.²³

In 1897 a bill was passed to alter the method of taxation for school purposes. The bill proposed to increase the tax levy and required the board of education in metropolitan cities to report to the city council instead of the county commissioners as under the old law. The objections to this bill were in the main that it increased taxes already heavy, and decentralized the levying of taxes whereas there ought to be centralized responsibility and uniformity.²⁴

Six years later a bill respecting notices of school meetings was passed. In addition the bill limited the taxing power of the school district. The governor objected to it on the grounds that the amendment was more inclusive than the section which it altered. The bill contained a provision that whenever “five

²¹ *State Journal*, April 4, 1911.

²² *World Herald*, April 5, 1911.

²³ *House Journal* (1866), 182.

²⁴ *Manuscript Laws* (1897), 505; *Messages and Proclamations* (1891-99), 359.

legal voters'' petitioned the school board to include in the notice for school meetings any subject referred to, that subject must be included in the notice. The governor stated that there were many districts in the western part of the state having fewer than five legal voters that would be debarred from the privileges which the bill was intended to secure.²⁵

²⁵ Messages and Proclamations (1900-11), 193.

III. SUMMARY AND CONCLUSIONS

On the whole the veto power has been exercised conservatively in Nebraska. In proportion to the number of bills passed it can hardly be said that the veto has been used more frequently during recent sessions than earlier in our history. But the governors have prevented a large number of defective, unnecessary and badly drafted bills from becoming laws and thus saved the state much inconvenience and confusion. It might be said that the veto power has served as a balance wheel in legislation. If the executive is strong and energetic he can sometimes guide the work of the legislature to his advantage by threatening to exercise his veto on the pet measure of a member.

Through the veto power the governor has saved the resources of the state from the monopoly of predatory interests and checked the growing expenditure. Although the wisdom of a single veto might be questioned, the governors have not seriously abused the confidence of the people. On the other hand there are many instances in which the legislature has betrayed the interests of the people.

The veto power has been used effectively in Nebraska. Of the one hundred and seventy-seven bills vetoed only eight have been passed over the objections of the executive; and whenever that has happened some strong combination of interests has supplied the motive.

The question may perhaps be raised as to whether a larger number of bills would have been repassed if the constitutional provisions had been different. In the United States what is termed the qualified veto, as distinguished from the absolute, prevails. But, it may be asked, does not the veto power become absolute here also when the constitution provides that the governor shall have five days or more in which to act after the legislature has adjourned? Is it not true that the larger number of bills, especially appropriation bills, passed by the legislature, comes to the executive during the closing days of the session? Would it not be better to require that all bills should be in the

hands of the executive a certain number of days before the legislature actually adjourns in order to give it a chance to act on any bill vetoed by the governor?

In certain instances it has been charged that the governor has exercised his veto power for political purposes, but this is very difficult to prove. The clearest example of this is Black's veto of the slavery bill. He was the servant of the administration at Washington and failed to adjust himself to conditions in Nebraska. It was charged that Governor Holcomb vetoed the bill for the appointment of an additional judge in the third district for political reasons. Likewise it was said of Governor Aldrich that he vetoed the Omaha charter bill because Omaha did not vote for him. Governor Morehead, it is alleged, paid his political debt to the Omaha politicians by vetoing the Omaha light bill.

It has sometimes been charged that bills have been vetoed because the governor was opposed to progressive ideas or principles contained in them. It is difficult to say whether the governor or members of the legislature have been more conservative along new lines of legislation. In the case of the freight rate veto it was said that the governor opposed the will of the people and aided railroad interests. Perhaps the veto of the bill for a non-partisan election of judges is a clearer case, or the vivisection bill vetoed by Governor Morehead, which bill was clearly in line with modern ideas of social welfare.

One may be permitted to raise the question as to whether the veto power furnishes a satisfactory means for executive co-operation in legislation. The veto is after all a negative power. Would it not be expedient to provide some constitutional means for introducing the governor's influence earlier in the process of legislation? By permitting the governor to suggest amendments, as in Alabama and Virginia, something could be accomplished.

Nebraska adopted the Budget system of state finances in 1915, but the first experience with it was not satisfactory because the so-called budget was nothing except a compilation of expenditures as furnished by the various departments without any attempt to balance income and expenditure or to promote efficiency and economy in the finances of the state. In order to introduce leadership in legislation in Nebraska as it has been in other states some form of the cabinet system might be adopted.

APPENDIX A**A List of States in Which the Governor Has the Power to Veto Bills**

1777 New York	1836 Ark.	1870 Va.
1780 Mass.	1844 N. J.	1872 W. Va.
1789 Georgia	1845 Fla.	1876 Colo.
1790 Penn.	1845 Texas	1889 Mont.
1792 Ky.	1846 Iowa	1889 N. D.
1792 N. H.	1848 Wis.	1889 S. D.
1793 Vt.	1850 Calif.	1889 Wash.
1812 La.	1851 Ohio	1890 Idaho
1816 Ind.	1858 Minn.	1890 Wyo.
1817 Miss.	1859 Kans.	1896 Utah
1818 Conn.	1859 Ore.	1897 Del.
1818 Ill.	1864 Nev.	1907 Okla.
1819 Ala.	1865 S. C.	1909 R. I.
1819 Me.	1867 Md.	1911 N. M.
1820 Mo.	1867 Nebr.	1912 Ariz.
1835 Mich.	1870 Tenn.	

¹ The veto power was given to governor and judges of supreme court.

² The veto power was given to governor and council.

A List of States That Provide for the Item Veto

1872 West Virginia	1889 Wyoming
1873 Pennsylvania	1890 Kentucky
1874 Arkansas	1890 Mississippi
1875 Missouri	1891 Maryland (by amend.)
1875 Nebraska	1894 New York
1876 Colorado	1895 South Carolina
1876 Texas	1895 Utah
1876 Minnesota (by amend.)	1897 Delaware
1877 Georgia.	1898 Louisiana
1879 California	1901 Alabama
1884 New Jersey	1902 Virginia
1884 Illinois (by amend.)	1903 Ohio (by amend.)
1885 Florida	1904 Kansas (by amend.)
1889 Idaho	1907 Oklahoma
1889 Montana	1908 Michigan
1889 North Dakota	1910 Arizona
1889 South Dakota	1910 New Mexico
1889 Washington	² 1916 Oregon.

¹ Chamber of Commerce of the U. S. of A. (1916), 18.

² Statesman's Yearbook (1916), 206.

Votes Required to Pass a Bill Over the Veto

1. States in which bills may be repassed by a majority vote:

Pass the bill again: Conn.

A majority of members elected: Ala., Ark., Ind., Ky., Tenn.

The majority of the whole number: N. J.

A majority of the members to which the house is entitled: W. Va.

2. States in which bills may be repassed by three-fifths vote:

Three-fifths of members present and voting: R. I.

Three-fifths of members elected: Del., Md., Nebr.

Three-fifths of members elected, but the vote must not be smaller than on the original passage: Ohio.

3. States in which bills may be repassed by a two-thirds vote:

Two-thirds of members present: Fla., Ida., Mont., Ore., S. D., Tex., Vt., Wash., Wis.

Two-thirds of members present and voting: N. M., Cal.

Two-thirds of members present, and this must equal at least a majority of all elected: Va.

Two-thirds thereof: Ga., Ia., Me., Mass., Minn., Miss., S. C., N. H.

Two-thirds of all members elected thereto: Ariz., Colo., Ill., Kans., La., Mich., Mo., Nev., N. Y., N. D., Okla., Penn., Utah, Wyoming.

APPENDIX B**Table Showing Exercise of Veto Power in Nebraska, 1855-1915.**

Name of Governor	Legislative Year	Number of bills passed and approved	Number of bills vetoed	Number of items in appropriation bills	Number of bills passed over veto
Izard, Mark W.....	1855	162	2		
Izard, Mark W.....	1856	91			
Izard, Mark W.....	1857	158	8		3
Richardson, W. A.	1858	20	1		
Black, Samuel W.....	1859	163			
Black, Samuel W.....	1860	165	5		
Black, Samuel W.....	1861	134	8		1
Saunders, Alvin	1862	119	1		
Saunders, Alvin	1864	94	2		
Saunders, Alvin	1865	96	3		
Saunders, Alvin	1866	special			
		83	3		
Saunders, Alvin	1867	144	6		
Butler, David	1867	sessions			
	1-2-3	77			
Butler, David	1869	sessions			
	4-5	155			
Butler, David	1871	41	4		
Butler, David	1872	adj'rned			
	session	17			
Furnas, R. W.	1873	191	1		
Garber, Silas	1875	224	2		
Garber, Silas	1877	117	2		
Nance, Albinus	1879	89			
Nance, Albinus	1881	89	3		
Nance, Albinus	1882	special			
		9			
Dawes, J. W.	1883	112	5		
Dawes, J. W.	1885	126	5		
Thayer, John M.	1887	156	2		
Thayer, John M.....	1889	113	2		
Boyd, J. E.	1891	77	2		
Crounse, Lorenzo	1893	69	1		
Holcomb, Silas A.....	1895	124	10	2	3
Holcomb, Silas A.....	1897	126	7	2	
Poynter, W. A.	1899	118	4	1	
Dietrich, Chas. H.....	1901	122	4	3	

Name of Governor	Legislative Year	Number of bills passed and approved	Number of bills vetoed	Number of items in ap- propriation bills	Number of bills passed over veto
Mickey, John H.	1903	166	11	1
Mickey, John H.	1905	235	27	1
Sheldon, G. L.	1907	206	15	2
Shallenberger, Ashton C.	1909	202	3	1
Aldrich, Chester H.	1911	228	16	1
Morehead, John H.	1913	263	8	2
Morehead, John H.	1915	299	4
Totals		5180	177	15	8

APPENDIX B

A List of Vetoes from 1855 to 1915.

I. Vetoes during the territorial period (1855-1867):

Mark W. Izard (1855-56-57), 10 vetoes.

1. ¹An act (C. B. No. 102) to prevent the sale and manufacture of intoxicating liquors.

Vetoed March 14, 1855.

Council Journal (1855), 133.

Reconsidered, amended, and approved, March 16, 1855.

Council Journal (1855), 144.

2. ¹"An act (H. F. No. 133), to provide for printing and distribution of the laws and journals of Nebraska."

Vetoed March 15, 1855.

House Journal (1855), 125.

Reconsidered, amended and approved, March 16, 1855.

House Journal (1855), 129.

3. ^{**}An act (C. B. No. 2), to incorporate the bank of De Soto, Washington county.

Vetoed February 11, 1857.

Council Journal (1857), 144.

Reconsidered and adopted in the council by a vote of 9 for and 4 against.

Council Journal (1857), 150.

House Journal (1857), 181. See also Session Laws (1857), 146.

4. An act (C. B. No. 7), relocating and establishing the seat of government.

Vetoed January 19, 1857.

Council Journal (1857), 46 f.

¹These bills were amended to comply with the suggestions of the governor and therefore approved by him later.

^{**}Bills having a double star were reconsidered in both houses.
Reconsidered and adopted in the House.

5. *An act (C. B. No. 8), to incorporate the Bank of Columbus.

Vetoed February 11, 1857.

Council Journal (1857), 144.

Reconsidered and rejected in the Council by a vote of 8 for and 5 against.

Council Journal (1857), 151.

6. *An act (C. B. No. 13), to incorporate the Clinton Bank.

Vetoed February 11, 1857.

Council Journal (1857), 144.

Reconsidered and rejected in the Council by a vote of 8 for and 5 against.

Council Journal (1857), 151.

7. *An act (C. B. No. 32), to incorporate the Pacific Bank of Omadi.

Vetoed February 11, 1857.

Council Journal (1857), 144.

Reconsidered and rejected in the Council by a vote, the first time, of 7 for and 6 against, second voting, of 8 for and 6 against.

Council Journal (1857), 150, 151.

8. **An act (C. B. No. 34), to charter the Bank of Plattsmouth.

Vetoed February 11, 1857.

Council Journal (1857), 144.

Reconsidered and adopted in the Council by a vote of 9 for and 4 against.

Council Journal (1857), 151.

Reconsidered and rejected in the House.

House Journal (1857), 181, 187.

9. ***"An act (C. B. No. 69), to repeal certain acts of the Legislative Assembly of Nebraska."

Vetoed February 13, 1857.

Council Journal (1857), 158.

Reconsidered and adopted in the Council by a vote of 12 for and 1 against.

Council Journal (1857), 162.

Reconsidered and adopted in the House by a vote of 24 for and 2 against.

House Journal (1857), 192.

*A single star means that the bill was reconsidered in one house, but not in the other.

- 10.**"An act (H. R. No. 9), to charter the Bank of Tekama in Burt County."

Vetoed February 11, 1857.

House Journal (1857), 176.

Reconsidered and adopted in the House by a vote of 23 for and 11 against.

House Journal (1857), 176.

Reconsidered and adopted in the Council.

House Journal (1857), 181. See also Session Laws (1857), 144.

W. A. Richardson (1858), one veto.

11. An act to authorize certain men to keep and run a ferry across the Missouri river at Wyoming, Otoe County.

Vetoed October 28, 1858.

House Journal (1858), 171.

Samuel W. Black (1859-60-61) 13 vetoes.

12. ²"An act to incorporate the Platte river bridge and ferry company."

Vetoed January 6, 1860.

Council Journal (1860), 242 f.

13. "An act (H. R. No. 28), to repeal an act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska City, Pierce county."

Vetoed January 3, 1860.

House Journal (1860), 198.

14. An act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru.

Vetoed January 11, 1860.

House Journal (1860), 326.

15. An act (H. R. No. 39), to authorize the keeping of a ferry across the Missouri river at Rock Bluffs City in Cass county.

Vetoed January 11, 1860.

House Journal (1860), 327.

²Whenever it has been possible to locate the number of a bill I have made it a point to do so, but during the territorial period this is not always possible.

16. "An act (H. R. No. 55), to authorize Stephen Story, Jasper G. Lewis and Henry P. Price to establish and keep a ferry across the Missouri river at St. Stephens in Richardson county."

Vetoed February 11, 1860.
House Journal (1860), 327.

- 17.**An act (H. R. No. 3) to prohibit slavery.

Vetoed January 1, 1861.
House Journal (1861), 174 f.
Reconsidered and adopted in the House by a vote of 31 for and 2 against.
Session Laws (1861), 43.
Reconsidered and adopted in the Senate "by a two-thirds vote."
House Journal (1861), 236. Session Laws (1861), 43.

18. *An act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

Vetoed January 5, 1861.
House Journal (1861), 219.

19. "An act to amend an act to incorporate a seminary to be located in Cass county."

Vetoed January 7, 1861.
House Journal (1861), 238.

20. "An act to incorporate Table Rock Seminary."

Vetoed January 8, 1861.
Council Journal (1861), 189.

- 21.**"An act (H. R. No. 144), for the distribution of arms belonging to Nebraska Territory."

Vetoed January 9, 1861.
House Journal (1861), 287.
Reconsidered and rejected in the Council by a vote of 5 for and 7 against.
Council Journal (1861), 209.
Reconsidered and rejected in the House by a vote of 18 for and 13 against.
House Journal (1861), 288.

22. "An act to vacate the town of Archer in Richardson county."

Vetoed January 9, 1861.
Council Journal (1861), 203.

23. *"An act concerning occupying claimants."

Vetoed January 10, 1861.

House Journal (1861), 305 f.

Reconsidered and rejected in the House by a vote of 12 for and 21 against.

House Journal (1861), 307.

24. "An act (C. B. No. 61), to restore citizenship to Stephen G. Moran."

Vetoed January 11, 1861.

Council Journal (1861), 235.

Alvin Saunders (1862-63-64-65-66-67), 15 vetoes.

25. "An act to amend an act entitled an act for the appointments of masters in chancery."

Vetoed December 23, 1861.

Council Journal (1861-2), 102.

26. *"An act (H. R. No. 20) to appropriate five hundred dollars to resurvey certain saline lands in Lancaster county."

Vetoed February 9, 1864.

House Journal (1864), 182.

Reconsidered and rejected in the House by a vote of 0 for and 31 against.

House Journal (1864), 184.

27. "An act (H. R. No. 114), to revise and consolidate the laws of a general nature passed at the second session of the Legislative Assembly."

Vetoed February 15, 1864.

House Journal (1864), 223.

28. "An act (C. B. No. 1 (H. R. No. 101), to provide for the insane of Nebraska."

Vetoed February 8, 1865.

Council Journal (1865), 198.

29. "An act to amend section 13 of an act entitled, 'an act in relation to insurance companies', approved February 15, 1864."

Vetoed February 13, 1865.

House Journal (1865), 300.

30. "An act to amend an act entitled, 'an act to incorporate Falls City, Nebraska', approved January 13, 1860."

Vetoed February 13, 1865.
House Journal (1865), 300.

31. "An act to incorporate the Credit Foncier of America."

Vetoed February 3, 1865.
House Journal (1866), 132.

32. "An act to incorporate the Great Nemaha Valley mining company."

Vetoed February 6, 1866.
Council Journal (1866), 146.

33. "An act to provide for the education of deaf and dumb children in Nebraska."

Vetoed February 10, 1866.
House Journal (1866), 182.

34. "An act to amend chapter 4 of the Code of Civil Procedure."

Vetoed February 11, 1867.
Council Journal (1867), 168.

35. "An act to declare the age of majority in Nebraska Territory."

Vetoed February 12, 1867.
Council Journal (1867), 174.

36. "An act to remove the distinction on account of race and color in the school laws of Nebraska."

Vetoed February 13, 1867.
House Journal (1867), 253.

37. "An act to restrain all animals from running at large in Monroe Precinct, Platte county."

Vetoed February 13, 1867.
House Journal (1867), 254-5.

38. "An act to amend section 109 of chapter 41 of the Revised Statutes, entitled 'revenue' "

Vetoed February 13, 1867.
Council Journal (1867), 184 f.

39. "An act to exempt agricultural lands from taxation for city purposes within the corporate limits of Omaha City."

Vetoed February 18, 1867.
Council Journal (1867), 218.

II. Vetoes during the state period (1867-1915):

David Butler (1867-69-71), 4 vetoes.

40. "An act to amend section five of an act entitled 'an act to dispose of public lands of the State of Nebraska for works of public improvements,' approved February 15, 1869."

Vetoed February 8, 1871.
House Journal (1871), 299.

41. "An act to repeal an act entitled an act to authorize the Governor to employ counsel in action instituted by and against the state, approved June 21, 1867."

Vetoed February 28, 1871.
Senate Journal (1871), 253.

42. "An act empowering the mayor and council in cities of the first class to license and regulate the keeping of toll bridges, to fix the rate of toll, and to authorize the collection of the same."

Vetoed March 1, 1871.
Senate Journal (1871), 247.

43. "An act to amend the fifth division of section 1 of an act entitled 'an act to provide a system of Revenue,' approved February 15, 1869."

Vetoed March 6, 1871.
Senate Journal (1871), 309.

3. The last bill was vetoed by Acting Governor Wm. H. James, because Governor Butler had been impeached and convicted.

Robert W. Furnas (1873-74), one veto:

44. "An act (H. R. No. 150) to provide for calling a convention to revise, alter or amend the Constitution of the State of Nebraska."

Vetoed February 18, 1873.
House Journal (1873), 548 f.
Reconsidered and rejected in the House.

Silas Garber (1875-76, 1877-78), 4 vetoes:

45. *"A bill (S. F. No. 45), for an act to amend sections 36, 41 and 46 of an act to provide a system of revenue, approved February 15, 1869."

Vetoed February 25, 1875.

Senate Journal (1875), 640.

Reconsidered and rejected in the Senate by a vote of 2 for and 10 against.

Senate Journal (1875), 642.

46. *"An act (S. F., No. 85) to amend section 17 of chapter 66 entitled 'Revenue'."

Vetoed February 25, 1875.

Senate Journal (1875), 623.

Reconsidered and rejected in the Senate by a vote of 0 for and 13 against.

Senate Journal (1875), 625.

47. *"An act (S. F. No. 55), to amend section 62 of chapter 9 of an act to establish a criminal code, approved March 4, 1873."

Presented to the Governor Feb. 15, 1877.

Senate Journal (1877), 829.

Vetoed February, 1877.

State Journal, February 21, 1877.

Manuscript bills for 1877.

48. "An act (H. R. No. 193), providing for the exemption of certain school lands in Pawnee county from tax sale."

Presented to the Governor February 15, 1877.

House Journal (1877), 780.

Vetoed February, 1877.

State Journal, February 21, 1877.

Manuscript bills for 1877.

⁴The veto of bills 47 and 48 is not recorded in the governor's office nor found anywhere else where one would look for it. It is found only in the State Journal and the manuscript bills.

Albinus Nance (1879-80-81-82), 3 vetoes.

49. "An act (H. R. No. 16), to provide for township organization."

Vetoed March 3, 1881.

Acts vetoed by the Governors (1869-1899).

Messages and Proclamations (1866-1892), 244.

50. "An act (H. R. No. 26), to repeal section 39 and 41 of chapter 43 of the Revised Statutes of 1866, being sections 31 and 36 of chapter 61 of the General Statutes of 1873."

Vetoed March 1, 1881.

Acts vetoed by the Governors (1869-1899).

Messages and Proclamations (1866-1892), 242.

51. "An act (H. R. No. 52), to provide that any county, precinct, township or town, city or village, or school district, may compromise its indebtedness whenever the county commissioners of any county, the city council of any city, the board of trustees of any village or the school board of any school district shall be satisfied by petitions or otherwise that any such county, precinct, township or town, city, village or school district is unable to pay in full its indebtedness."

Vetoed March 1, 1881.

Messages and Proclamations (1866-1892), 243.

James W. Dawes (1883-4, 1885-6), 10 vetoes.

52. "An act (S. F. No. 35), to provide for the election of county attorneys and to define their duties, also to repeal all acts and parts of acts inconsistent herewith and to fix their salaries."

Vetoed March 3, 1883.

Messages and Proclamations (1866-1892), 307.

53. "An act (H. R. No. 100), to amend section 1, chapter 61, Compiled Statutes of Nebraska and to repeal section 12 of said chapter and the amendatory act of section 12, February 9, 1875."

Vetoed March 3, 1883.

Messages and Proclamations (1866-1892), 307.

54. "An act (H. R. No. 101), to regulate the practice of pharmacy and sales of poisons and to prevent adulterations in drugs and medical preparations in the State of Nebraska."

Vetoed March 2, 1883.

Messages and Proclamations (1866-1892), 303.

55. "An act (H. R. No. 241), to authorize precincts, townships, and towns to vote bonds to aid work of internal improvements, to legalize bonds already issued in certain cases for such purposes.

Vetoed March 3, 1883.

Messages and Proclamations (1866-1892), 304.

56. "An act (H. R. No. 260), to amend section seven of an act entitled 'an act to provide a General Election Law, the procedure relative to contested elections and filling of vacancies in office'; being chapter 26 of the Compiled Statutes."

Vetoed March 3, 1883.

Messages and Proclamations (1866-1892), 306.

57. "An act (S. F. No. 146), to ratify and determine the title right of possession, boundaries and description of lands in section number thirty-six (36) of township number 10, north of range number 6, east of the sixth in this state as heretofore sold and conveyed, or attempted to be, by the officers of this state, or of Lancaster county."

Vetoed March 10, 1885.

Messages and Proclamations (1866-1892), 369.

58. "An act (S. F. No. 197), to legalize the election of certain officers in the city of Wymore as a city of the second class."

Vetoed March 10, 1885.

Messages and Proclamations (1866-1892), 372.

59. "An act (H. R. No. 10), to provide for presenting and prosecuting criminal offenses in District Court by information or indictment subscribed by district or prosecuting attorney of the proper district or county."

Vetoed March 9, 1885.

Messages and Proclamations (1866-1892), 368.

60. "An act (H. R. No. 17), to amend section 1, sub-division 2, section 3, sub-division 3, and section 2, sub-division 6, of chapter 79 of the Compiled Statutes of Nebraska, being an act entitled 'Schools,' approved March 1, 1881."

Vetoed March 9, 1889.

Messages and Proclamations (1866-1892), 367.

61. "An act (H. R. No. 73), for the relief of Peter Jenal, Henry Felber, Ignats Griesser, William Arens, John H. Felber, Robert Henrich, Clemens Asher and Bernard Wahler."

Vetoed March 10, 1885.

Messages and Proclamations (1866-1892), 370.

John M. Thayer (1887-8, 1889-90), 4 vetoes.

62. "An act (S. F. No. 64), to amend section 3 of an act entitled 'an act defining the boundaries of Richardson, Nemaha, Blackbird and Dakota counties,' approved March 7, 1855, and redefine the boundaries of 'Blackbird' county and to change the same to Thurston county."

Vetoed April 5, 1887.

Messages and Proclamations (1866-1892), 466.

63. "An act (H. R. No. 346), to amend section 60, Title IV of the Code of Civil Procedure."

Vetoed April 5, 1887.

Messages and Proclamations (1866-1892), 464.

64. "An act (S. F. No. 10), to repeal chapter 4 of the laws of 1887, designated in the Compiled Statutes of 1867, as article 2 of chapter 4, and to provide for the protection of the health of domestic animals of the state from contagious diseases."

Vetoed April 3, 1889.

Acts vetoed by the Governors (1869-1899).

State Journal, April 5, 1889.

65. *"An act (H. R. No. 185), to amend section 20 of chapter 7 of the Compiled Statutes of Nebraska of 1887."

Vetoed March 27, 1889.

House Journal (1889), 1994 f.

Messages and Proclamations (1866-1892), 573.

Reconsidered and rejected by the House by a vote of 12 for and 72 against.

James E. Boyd (1891-2), 2 vetoes.

- 66.**"An act (H. R. No. 12), to regulate railroads, to classify freights, to fix reasonable maximum rates to be charged for the transportation of freights upon each of the railroads in the State of Nebraska."

Vetoed April 3, 1891.

House Journal (1891), 1876-81.

Reconsidered and adopted in the House by a vote of 75 for and 17 against, 8 not voting.

House Journal (1891), 1882.

Reconsidered and rejected in the Senate by a vote of 18 for and 13 against, 2 not voting.

Senate Journal (1892), 986.

67. "An act (H. R. No. 212), to amend chapter 50, section 1, of the Compiled Statutes of the State of Nebraska of 1887, in regard to the sale of malt, spirituous and vinous liquors, in towns and precincts."

Vetoed April 7, 1891.

House Journal (1891), 1151.

Lorenzo Crounse (1893-4), one veto.

68. *"An act (H. R. No. 172), to amend section 226, of Chapter 3, of the Consolidated Statutes of Nebraska by providing for an additional judge in the Twelfth judicial district."

Vetoed March 13, 1893.

House Journal (1893), 749 f.

Reconsidered and rejected in the House by a vote of 42 for, 34 against and 23 not voting.

House Journal (1893), 750.

Silas A. Holcomb (1895-6, 1897-8), 17 vetoes, 4 item vetoes.

69. "An act (S. F. No. 184), to amend an act entitled 'an act to apportion the state into judicial districts, and for the apportionment and election of officers thereof,' approved March 30, 1891, and to repeal said original act."

Vetoed April 10, 1895.

Messages and Proclamations (1891-99), 247.

70. "An act (S. F. No. 259), to amend section 6082 of Cobbeys Consolidated Statutes of Nebraska of 1893 the same being sections 455 of the Code of Criminal procedure of the State of Nebraska, and to repeal said section as now existing."

Vetoed March 12, 1895.

Messages and Proclamations (1891-99), 217.

Senate Journal (1895), 695.

- 71.**"An act (S. F. No. 335), to amend section 2090, Chapter 29, Cobbey's Consolidated Statutes of 1891, and to repeal said original section."

Vetoed April 1, 1895.

Messages and Proclamations (1891-92), 234.

Senate Journal (1895), 1073.

Reconsidered and adopted in the Senate by a vote of 25 for and 7 against.

Senate Journal (1895), 1123, 1134.

Reconsidered and adopted in the House by a vote of 69 for, 21 against, absent and not voting, 10.

House Journal (1895), 1254.

- 72.**"An act (H. R. No. 67), to provide for the encouragement of the manufacture of sugar and chicory and to provide a compensation therefor."

Vetoed March 29, 1895.

House Journal (1895), 1167 f.

Messages and Proclamations (1891-99), 229 f.

Reconsidered and adopted in the House by a vote of 68 for and 23 against.

House Journal (1895).

Reconsidered and adopted in the Senate by a vote of 26 for and 6 against.

Senate Journal (1895), 1036.

73. "An act (H. R. No. 133), to amend sections 3, 6, 11, 13, 30, 46, 50, 61, 64, 66, 69, 72, 107, 109, 113, 116, 117, 118, 123, 127, 143, 167, 168 and 172 as heretofore existing of an act entitled 'an act incorporating metropolitan cities and defining, regulating and prescribing their duties, powers and government; approved March 30, 1887, and to repeal said original sections 80 and 81 of said act.'"

Vetoed April 10, 1895.

Messages and Proclamations (1891-99), 243.

- 74.**"An act (H. R. No. 139), to amend section 14 of an act entitled an act entitled metropolitan cities and defining, regulating and prescribing their duties, powers and governments."

Vetoed April 1, 1895.

House Journal (1895), 1260.

Messages and Proclamations (1891-99), 235.

Reconsidered and adopted in the House by a vote of 62 for, 30 against, absent and not voting 8.

House Journal (1895), 1262.

Reconsidered and adopted in the Senate by a vote of 23 to, 9 against and 1 excused.

Senate Journal (1895), 1139.

75. "An act (H. R. No. 246), to authorize the formation of fire, lightning and cyclone mutual insurance companies."

Vetoed April 10, 1895.

Messages and Proclamations (1891-99), 240.

76. "An act (H. R. No. 339), to amend section 1396 of the Consolidated Statutes of Nebraska for 1891 and to repeal said original section."

Vetoed April 11, 1895.

Messages and Proclamations (1891-99), 249.

77. "An act (H. R. No. 522), to provide for the appointment of County Boards of Depositories of certain public fund; to provide for the depositing of certain public funds with such depositories, to punish any county Treasurer violating the provisions of this act, to require sureties on the bonds of such depositories to make statements under oath as to their exact worth, and to punish sureties making such statements falsely, and to repeal chapter 50 of the session laws of 1891."

Vetoed April 10, 1895.

Messages and Proclamations (1891-99), 242.

78. "An act (H. R. No. 540), to create a board of immigration and industrial statistics to define the duties of its officers, and to repeal chapter 47, of the session laws of 1887."

Vetoed April 10, 1895.

Messages and Proclamations (1891-99), 246.

ITEM VETOES.

"An act (H. R. No. 611), making an appropriation for the payment of miscellaneous items of indebtedness owing by the State of Nebraska."

Vetoed April 10, 1895.

Messages and Proclamations (1891-99), 241.

"An act (H. R. No. 632), making appropriations for the current expenses of the state government for the year ending March 31, 1896, and to pay the miscellaneous items of indebtedness owing by the State of Nebraska."

Vetoed April 10, 1895.

Messages and Proclamations (1891-99), 248.

79. "An act (S. F. No. 41), to amend section 143 of Chapter 14, article 1, paragraph 1494, of the Compiled Statutes of Nebraska, for the year 1895, relating to Parks and Public Grounds, and to repeal said original section."

Vetoed April 15, 1897.

Manuscript Laws (1897), 501.

Messages and Proclamations (1891-99), 358.

80. "An act (S. F. No. 250), to amend section 21 of sub-division 17, chapter 79, being section 4875 of the Compiled Statutes of Nebraska 1895, relating to schools, and to repeal the said section above named, as non-existing."

Vetoed April 15, 1897.

Manuscript Laws (1897), 505.

Messages and Proclamations (1891-99), 359.

81. "An act (S. F. No. 273 [293]), to amend section 1 of sub-division 18, chapter 79, of the Compiled Statutes of Nebraska of 1895, entitled 'School Books,' and to repeal said original section."

Vetoed April 15, 1897.

Manuscript Laws (1897), 496.

Messages and Proclamations (1891-99), 357.

82. "An act (H. R. No. 241), to amend an act entitled 'an act defining a legal newspaper for the publication of legal and other official notices in the State of Nebraska,' and to repeal sections 16, 17 and 18 of chapter 68 of the Compiled Statutes of Nebraska."

Vetoed April 15, 1897.

Manuscript Laws (1897), 496.

Messages and Proclamations (1891-99), 356.

83. "An act (H. R. No. 263), to regulate stock yards and fix commissions for selling live stock therein, and providing punishment for violation thereof."

Vetoed April 15, 1897.

Manuscript Laws (1897), 514.

Messages and Proclamations (1891-99), 361.

84. "An act (H. R. No. 301), to amend sections 7 and 8 of chapter 68, Compiled Statutes of Nebraska, 1895, and to repeal said section so amended."

Vetoed April 15, 1897.

Manuscript Laws (1897), 517.

Messages and Proclamations (1891-99), 356.

85. "An act (H. R. No. 354), providing for the payment out of the state treasury of the premium on the State Treasurer's bond, when such bond is executed by a surety company authorized by the laws of Nebraska to execute such bond, such premium not to exceed one-third of one per cent per annum of the penalty stated in the bond; and appropriating funds for the payment of such premium."

Vetoed April 15, 1897.

Manuscript Laws (1897), 508.

Messages and Proclamations (1891-99), 357.

ITEM VETOES.

"An act (H. R. No. 614), making appropriations for current expenses of state government for the biennium ending March 31, 1899, and for payment of miscellaneous items of indebtedness owing by the State of Nebraska."

Vetoed April 15, 1897.

Manuscript Laws (1897), 378.

Messages and Proclamations (1891-99), 362.

"An act (H. R. No. 631), making appropriations for the payment of various items of indebtedness."

Vetoed April 15, 1897.

Manuscript Laws (1897), 378.

Messages and Proclamations (1891-99), 364 f.

W. A. Poynter (1899-1900), 4 vetoes and 1 item veto.

86. "An act (S. F. No. 22), to amend the election laws."

Vetoed April 5, 1899.

Manuscript Laws (1899), 738.

Messages and Proclamations (1891-99), 536.

87. An act (S. F. No. 298), regarding soldiers in the Philippines.

Vetoed March 31, 1899.

Manuscript Laws (1899), 741.

Messages and Proclamations (1891-99), 545.

88. *"An act (H. R. No. 114), to renew the Supreme Court Commission."

Vetoed March 14, 1899.

House Journal (1899), 944 f.

Messages and Proclamations (1891-99), 529.

Reconsidered and rejected in the House by a vote of 45 for and 45 against.

House Journal (1899), 968.

89. "An act (H. R. No. 385), to amend an act incorporating Metropolitan cities and defining, prescribing and regulating their duties, powers and government."

Vetoed April 5, 1899.

Manuscript Laws (1899), 742.

Messages and Proclamations (1891-99), 538.

ITEM VETO

"An act (H. R. No. 501), being an appropriation for current expenses of the State Government."

Vetoed April 5, 1899.

Messages and Proclamations (1891-99), 537.

Charles H. Dietrich (1901-2), 4 vetoes and 3 item vetoes.

90. "An act (H. R. N. 23), for the relief of Russel F. Loomis."

Vetoed April 1, 1901.

Manuscript Laws (1901), 46.

Messages and Proclamations (1900-11), 89.

91. "An act (H. R. No. 111), to appropriate the sum of \$75,000, to build a library and a combined chapel and gymnasium building for the State Normal School located at Peru, Nebraska."

Vetoed March 11, 1901.

House Journal (1901), 867.

Messages and Proclamations (1900-11), 68 f.

92. "An act (H. R. No. 117), a joint resolution to amend section 1, of article 15, of the constitution of the State of Nebraska."

Vetoed April 2, 1901.

Manuscript Laws (1901), 298.

Messages and Proclamations (1900-11), 98.

93. "An act (H. R. No. 129), providing for the change of name for the Institute for the Deaf and Dumb and the Institute for the Blind."

Vetoed April 1, 1901.

Manuscript Laws (1901), 313.

Messages and Proclamations (1900-11), 90.

ITEMS VETOED

"An act (H. R. No. 436), to provide for the payment of salaries of the officers of the State Government."

Vetoed April 2, 1901.

Laws of Nebraska (1901), 547-550.

Messages and Proclamations (1900-11), 91 f.

"An act (H. R. No. 477), making appropriations for the current expenses of the State Government."

Vetoed April 2, 1901.

Laws of Nebraska (1901), 570-572.

Messages and Proclamations (1900-11), 96.

"An act (H. R. No. 478), making an appropriation for the payment of miscellaneous items of indebtedness."

Vetoed April 2, 1901.

Laws of Nebraska (1901), 580-82.

Messages and Proclamations (1900-11), 94 f.

John H. Mickey (1903-4-1905-6), 38 vetoes and 1 item veto.

94. "An act (S. F. No. 29), to provide for the payment of fee to the Commissioners of Public Lands and Buildings in certain cases."

Vetoed March 9, 1903.

Messages and Proclamations (1900-11), 188.

Senate Journal (1903), 485.

- 95.**"An act (S. F. No. 31), authorizing the preparation of an official statute, making it admissible in evidence, and authorizing the purchase thereof by the state."

Vetoed April 6, 1903.

Messages and Proclamations (1900-11), 196.

Senate Journal (1903), 886.

Reconsidered and adopted in the Senate by a vote of 23 for and 9 against.

Senate Journal (1903), 899.

Reconsidered and adopted in the House by a vote of 67 for and 24 against.

Senate Journal (1903), 917.

96. "An act (S. F. No. 38), to define conditions of child dependency, neglect, cruelty, ill-treatment, and to prescribe methods for the protection, disposition and supervision of dependent, delinquent, neglected, cruelly or ill-treated children and to provide punishment for violation of this act."

Vetoed April 13, 1903.

Manuscript Laws (1903), 1443.

Messages and Proclamations (1903), 202.

97. "An act (S. F. No. 87), to amend section 531a and 531c of the Code of Civil Procedure, relating to exemptions, and to repeal said sections as heretofore existing."

Vetoed April 13, 1903.

Manuscript Laws (1903), 1435.

Messages and Proclamations (1903), 201.

98. "A bill (S. F. No. 114), for a joint resolution recommending to the electors of the state to vote at the next election of members for the Legislature, for or against a convention to revise, amend or change the Constitution of the State of Nebraska in accordance with section 2, article 15, of the Constitution."

Vetoed April 7, 1903.

Messages and Proclamations (1900-11), 199.

Senate Journal (1903), 926.

99. "An act (H. R. No. 37), to amend sections 4 and 7 of chapter 84 of the Compiled Statutes of Nebraska for the year of 1901, entitled 'State Cemetery' and to repeal said original section."

Vetoed April 6, 1903.

House Journal (1903), 1044.

Messages and Proclamations (1900-11), 197.

100. "An act (H. R. No. 46), to amend section 3 of subdivision 2, of chapter 79, of the Compiled Statutes of Nebraska for 1901, and to repeal said original section as existing."

Vetoed March 25, 1903.

House Journal (1903).

Messages and Proclamations (1900-11), 193 f.

101. "An act (H. R. No. 93), creating city road district, for inspecting roads leading into cities and defining their powers, governments and duties."

Vetoed April 10, 1903.

Manuscript Laws (1903), 1430.

Messages and Proclamations (1900-11), 200.

102. "An act (H. R. No. 104), to provide a department in one of the hospitals for the insane for the detention and treatment of dipsomaniacs, inebriates, and those addicted to the excessive use of liquors and other narcotics."

Vetoed April 10, 1903.

Manuscript Laws, (1903), 1423.

Messages and Proclamations (1900-11), 200.

103. "An act (H. R. No. 323), for the relief of Russel F. Loomis of Red Willow county, Nebraska."

Vetoed April 1, 1903.

House Journal (1903).

Messages and Proclamations (1900-11), 195.

104. "An act (H. R. No. 450-52), to authorize the appointment of a commission by the Governor of Nebraska, to act with a like commission from Missouri, for the purpose of establishing the boundary line between the said states of Nebraska and Missouri."

Vetoed April 13, 1903.

Manuscript Laws (1903), 1439.

Messages and Proclamations (1900-11), 201.

105. "An act (S. F. No. 8), to amend section 9223, chapter 41 of Cobbey's Annotated Statutes of Nebraska for the year of 1903."

Vetoed March 5, 1905.

Messages and Proclamations (1900-11), 260.

Senate Journal (1905), 711.

106. "An act (S. F. No. 122), to authorize the legislature to declare a constitutional amendment adopted where the majority of the votes cast thereon were in favor of the amendment."

Vetoed April 4, 1905.

Manuscript Laws (1905), 1978.

Messages and Proclamations (1900-11), 274.

107. "An act (S. F. No. 163), to provide for the care of neglected, dependent and delinquent children, and to provide a penalty for the violation of the same."

Vetoed April 4, 1905.

Manuscript Laws (1905), 1974.

Messages and Proclamations (1900-11), 275.

108. "An act (S. F. No. 187), to amend section 9807 of Cobbey's Annotated Statutes of Nebraska for 1903, and to repeal said section."

Vetoed April 5, 1905.

Manuscript Laws (1905), 2000.

Messages and Proclamations (1900-11), 276.

109. "An act (S. F. No. 213), authorizing the county courts to enter a decree dispensing with the administration of certain estates against which there are no debts and to fix and establish heirs at law of decedents and providing for the procedure in such cases."

Vetoed April 4, 1905.

Manuscript Laws (1905), 1984.

Messages and Proclamations (1900-11), 272.

110. "An act (S. F. No. 220), to amend the revenue law so as to restrict the state board in its levy of taxes for state purposes to a rate sufficient to meet the appropriations of the state legislature."

Vetoed April 4, 1905.

Manuscript Laws (1905), 1990.

Messages and Proclamations (1900-11), 274.

111. "An act (S. F. No. 238), to provide for the bringing of action for trespass upon real estate by executors and administrators and for the disposition and distribution of the amounts so recovered in such actions."

Vetoed April 4, 1905.

Manuscript Laws (1905), 1993.

Messages and Proclamations (1900-11), 273.

112. "An act (H. R. No. 49), to provide for the erection of a hard fibre binding twine plant at the Nebraska State Penitentiary and to make appropriations therefor."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1896.

Messages and Proclamations (1900-11), 271.

113. "An act (H. R. No. 134), to amend section 106, article 1, chapter 77, of the Compiled Statutes."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1965.

Messages and Proclamations (1900-11), 270.

114. "An act (H. R. No. 141), to amend section 2, of article 11, of chapter 18, of the Compiled Statutes of Nebraska of 1901, and to repeal said section as now existing."

Vetoed April 4, 1905.

Manuscript Laws (1905), 1971.

Messages and Proclamations (1900-11), 275.

115. "An act (H. R. No. 165), to make the practice of Christian Science healing unlawful and punish the practitioners unless they educate themselves in materia medica, etc."

Vetoed March 29, 1905.

House Journal (1905), 1103.

Messages and Proclamations (1900-11), 263-65.

116. "An act (H. R. No. 260), to amend section 10427 of Cobbeys' Annotated Statutes of 1903."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1945.

Messages and Proclamations (1900-11), 268.

117. "An act (H. R. No. 269), to amend section 9118 of Cobbeys' Annotated Statutes of 1903."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1955.

Messages and Proclamations (1900-11), 269.

118. "An act (H. R. No. 270), to amend section 9870, of Cobbeys' Annotated Statutes of Nebraska for the year 1903, and to repeal said original section and to provide for the sale of state land."

Vetoed April 5, 1905.

Manuscript Laws (1905), 2007.

Messages and Proclamations (1900-11), 276.

119. "An act (H. R. No. 280), to amend sections 5 and 42 of chapter 28 of the Compiled Statutes of Nebraska for the year 1903, and repeal said section."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1915.

Messages and Proclamations (1900-11), 267.

120. "An act (H. R. No. 281), to amend the existing statute fixing the compensation of sheriffs."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1911.

Messages and Proclamations (1900-11), 269.

121. "An act (H. R. No. 304), to empower Ruth Oberg to maintain an action in the district court of Douglas county, Nebraska, against school district number 23 of said county."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1961.

Messages and Proclamations (1900-11), 268.

122. "An act (H. R. No. 305), to provide for state ownership, control, construction and repair of certain bridges of five hundred feet or more in length within the state and located on or as part of public roads."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1887.

Messages and Proclamations (1900-11), 265.

123. "An act (H. R. No. 310), defining the purpose and providing for the government and maintenance of the School for Deaf and the School for Blind and to repeal an act entitled 'an act defining the purpose and providing the government and maintenance of the Institute for Deaf and Dumb, and for the Institute for Blind'."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1925.

Messages and Proclamations (1900-11), 267.

124. "An act (H. R. No. 321), to amend section 9069 of Cobbeys' Annotated Statutes of Nebraska for the year 1903, and to repeal said original section."

Vetoed April 4, 1905.

Manuscript Laws (1905), 1996.

Messages and Proclamations (1900-11), 273.

125. An act (H. R. No. 328), for the relief of Russel F. Loomis.

Vetoed April 5, 1905.

Manuscript Laws (1905), 2013.

Messages and Proclamations (1900-11), 276.

126. "An act (H. R. No. 333), to define the rights of creditors of decedents and to prescribe a manner for applying for an order of descent."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1902.

Messages and Proclamations (1900-11), 266.

127. "An act (H. R. No. 345), to consolidate the office of city treasurer of Omaha with the office of county treasurer of Douglas county."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1892.

Messages and Proclamations (1900-11), 266.

128. "An act (H. R. No. 348), creating and making the county assessors in any county including within its boundaries a city of the metropolitan class, tax commissioner ex officio of such city, etc."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1951.

Messages and Proclamations (1900-11), 268.

129. "An act (H. R. No. 349), to provide for the making of test borings or explorations for the discovery of oil, coal, gas or artesian water, and other minerals in the State of Nebraska, and to appropriate money to aid in such borings or explorations."

Vetoed April 4, 1905.

Manuscript Laws (1905), 1968.

Messages and Proclamations (1900-11), 275.

130. "An act (H. R. No. 398), to authorize the officers of the state to return to the counties entitled thereto the amount in excess paid into the state treasury for taxes."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1908.

Messages and Proclamations (1900-11), 269.

131. "An act (H. R. No. 407), to amend sections 15 and 19 of chapter 7, entitled 'Attorneys', Compiled Statutes of Nebraska, for the year 1903, and to repeal said original sections."

Vetoed April 3, 1905.

Manuscript Laws (1905), 1905.

Messages and Proclamations (1900-11), 271.

ITEM VETO.

An act (H. R. No. 381), making appropriations for the payment of miscellaneous items of indebtedness, owing by the State of Nebraska."

Vetoed April 3, 1905.

Messages and Proclamations (1900-11), 270.

George L. Sheldon (1907-8), 15 vetoes and 2 item vetoes.

132. "An act (S. F. No. 145), to amend the law regarding Fire Insurance Companies."

Vetoed April 8, 1907.

Manuscript Laws (1907), 1305.

Messages and Proclamations (1900-11), 353.

133. "An act (S. F. No. 266), to amend the invalid act of 1903.

Vetoed April 10, 1907.

Manuscript Laws (1907), 1310.

Messages and Proclamations (1900-11), 355.

134. "An act (S. F. No. 281), to amend section 20, article 3, chapter 18, of the Compiled Statutes for the year 1905."

Vetoed April 8, 1907.

Manuscript Laws (1907), 1320.

Messages and Proclamations (1900-11), 353.

135. "An act (S. F. No. 324), to amend sections 11172, 11175, 11176 of sub-division 13 of chapter 51 of Cobbe's Annotated Statutes of Nebraska for 1903, and to repeal said original section."

Vetoed April 8, 1907.

Manuscript Laws (1907), 1325.

Messages and Proclamations (1900-11), 352.

136. "An act (H. R. No. 25), to amend section 5382 of the Compiled Statutes of Nebraska for the year 1905; to add penalty clause, and to repeal said original section as now existing."

Vetoed April 8, 1907.

Manuscript Laws (1907), 1261.

Messages and Proclamations (1900-11), 354.

137. An act (H. R. No. 112), to appropriate \$85,000 to erect two wings to the Kearney Normal School.

Vetoed April 10, 1907.

Manuscript Laws (1907), 1264.

Messages and Proclamations (1900-11), 358.

138. "An act (H. R. No. 188), to amend sections 69-1, chapter 43, Compiled Statutes of Nebraska for the year 1903, and to repeal said section as same now exists."

Vetoed April 6, 1907.

Manuscript Laws (1907), 1266.

Messages and Proclamations (1900-11), 352.

139. An act (H. R. No. 190), to authorize the construction and furnishing of a brick and stone gymnasium, library, dormitory and school building for Deaf and Dumb at Omaha, Nebraska.

Vetoed April 10, 1907.

Manuscript Laws (1907), 1271.

Messages and Proclamations (1900-11), 358.

140. An act (H. R. No. 204), to provide for review upon error in the district court of judgments rendered by any inferior tribunal.

Vetoed April 9, 1907.

Manuscript Laws (1907), 1276.

Messages and Proclamations (1900-11), 354.

141. An act (H. R. No. 209), to amend section 122 of the Omaha charter.

Vetoed March 30, 1907.

House Journal (1907), 1231.

Messages and Proclamations (1900-11), 350.

142. An act (H. R. No. 226), to prohibit the use of tobacco in any form by minors in public places and to provide a penalty for the violation thereof.

Vetoed April 6, 1907.

Manuscript Laws (1907), 1279.

Messages and Proclamations (1900-11), 351.

143. "An act (H. R. No. 355), to amend sections 2, 3, 4, 6,, 13, 27, 32, and 42, chapter 8, of the Compiled Statutes of 1905, entitled 'Banks,' and to repeal said section as now existing."

Vetoed April 10, 1907.

Manuscript Laws (1907), 1281.

Messages and Proclamations (1900-11), 356.

144. "An act (H. R. No. 381), to authorize the construction of another fire-proof building at the Nebraska Institute for Feeble Minded Youths, located near Beatrice, Nebraska."

Vetoed April 10, 1907.

Manuscript Laws (1907), 1293.

Messages and Proclamations (1900-11), 357.

145. "An act (H. R. No. 478), to provide for participation by the State of Nebraska at the Alaska-Yukon-Pacific Exposition to be held in the city of Seattle, State of Washington."

Vetoed April 10, 1907.

Manuscript Laws (1907), 1296.

Messages and Proclamations (1900-11).

146. "An act (H. R. No. 491), appropriating the sum of \$25,000 for an additional building at the Soldiers Home at Grand Island, Nebraska."

Vetoed April 10, 1907.

Manuscript Laws (1907), 1302.

Messages and Proclamations (1900-11), 357.

ITEM VETOES.

"An act (H. R. No. 460), to make appropriation for the current expenses of the state government for the year ending March 31, 1908, and March 31, 1909 and miscellaneous items."

Vetoed April 10, 1907.

Laws of Nebraska (1907), 562.

Messages and Proclamations (1900-11), 355.

"An act (H. R. No. 534), making an appropriation for the payment of miscellaneous items of indebtedness, owing by the State of Nebraska."

Vetoed April 10, 1907.

Laws of Nebraska (1907), 579.

Messages and Proclamations (1900-11), 355.

Ashton C. Shallenberger (1909-10), 3 vetoes and 1 item veto.

147. "An act (S. F. No. 174), to amend section 6835 of Cobbey's Annotated Statutes of Nebraska for 1907."

Vetoed April 3, 1909.

Manuscript Laws (1909), 1338.

Messages and Proclamations (1900-11), 498 .

148. "An act (S. F. No. 335), to provide for the indeterminate sentence of persons convicted of certain felonies, etc."

Vetoed April 3, 1909.

Manuscript Laws (1909), 1347.

Messages and Proclamations (1900-11), 497 f.

149. *"An act (H. R. No. 60), to amend section 250 of chapter 50 of the Compiled Statutes of Nebraska, for the year of 1907, and to repeal said original section."

Vetoed March 20, 1909.

House Journal (1909), 720.

Messages and Proclamations (1900-11), 487.

Reconsidered and rejected in the House by a vote of none for, 62 against, and 38 absent.

House Journal (1909)

ITEM VETO.

"An act (H. R. No. 463), making appropriations for the current expenses of the State Government for the years ending March 30, 1910, and March 31, 1911, and miscellaneous items."

Vetoed April 7, 1909.

Laws of Nebraska (1909), 734.

Messages and Proclamations (1900-11), 499.

Chester H. Aldrich (1911-12), 16 vetoes and 1 item veto.

150. An act (S. F. No. 36), to prevent playing of baseball Sunday afternoons.

Vetoed April 1, 1911.

House Journal (1911), 788 f.

Manuscript Laws (1911), 551.

Messages and Proclamations (1911 f.), 84.

151. An act (S. F. No. 91), to authorize the Secretary of State to name the newspapers wherein constitutional amendments should be published.

Vetoed April 10, 1911.
Manuscript Laws (1911), 664.
Messages and Proclamations (1911 f.), 100.

152. "An act (S. F. No. 167), to amend section 8417 of Cobbeys' Annotated Statutes of Nebraska for the year 1909, and to repeal said original section as now existing."

Vetoed April 1, 1911.
Senate Journal (1911).
Manuscript Laws (1911), 547.
Messages and Proclamations 1911 f.), 82.

153. An act (S. F. No. 316), providing for the commission form of government under certain restrictions.

Vetoed April 10, 1911.
Manuscript Laws (1911), 678.
Messages and Proclamations (1911 f.), 101.

- 154.**An act (S. F. No. 324), to provide for the election of a non-partisan judiciary.

Vetoed April 5, 1911.
Senate Journal (1911), 801 f.
Messages and Proclamations (1911 f.), 87-93.
Reconsidered and adopted in the Senate by a vote of 20 for and 12 against.
Senate Journal (1911), 804.
Reconsidered and rejected in the House by a vote of 50 for and 45 against.
House Journal (1911), 833.

155. An act (H. R. No. 17), to increase the salary of deputies in county attorney's office of Douglas county.

Vetoed March 25, 1911.
House Journal (1911), 681.
Manuscript Laws (1911), 545.
Messages and Proclamations (1911 f.), 81.

156. An act (H. R. No. 24), to extend the terms of office for certain county officials.

Vetoed April 10, 1911.
Manuscript Laws (1911), 672.
Messages and Proclamations (1911 f.), 101.

157. *An act (H. R. No. 61), to amend the charter for the city of Omaha.

Vetoed April 7, 1911.

House Journal (1911), 856 f.

Messages and Proclamations (1911 f.), 93-7.

Reconsidered and rejected in the House by a vote of 49 for, 40 against and 13 not voting.

House Journal (1911), 859.

158. An act (H. R. No. 72), to change the taxation on personal property.

Vetoed April 7, 1911.

House Journal (1911), 873.

Messages and Proclamations (1911 f.), 97.

159. An act (H. R. No. 82), regulating stock yards by declaring them public markets and placing them under the State Railway Commission.

Vetoed March 23, 1911.

House Journal (1911), 632.

Manuscript Laws (1911), 538.

Messages and Proclamations (1911 f.), 79-81.

160. "An act (H. R. No. 101), for regulation of real estate brokers and agents, providing state licenses therefor and for penalty for the violations of the provisions of said measure."

Vetoed April 11, 1911.

Manuscript Laws (1911), 730.

Messages and Proclamations (1911 f.), 103.

161. An act (H. R. No. 394), to exempt from taxation certain townships.

Vetoed April 10, 1911.

Manuscript Laws (1911), 668.

Messages and Proclamations (1911 f.), 98.

162. An act (H. R. No. 537), to authorize the merging of the telephone companies.

Vetoed April 11, 1911.

Manuscript Laws (1911), 742.

Messages and Proclamations (1911 f.), 106.

163. "An act (H. R. No. 573), to establish a system of book-keeping to be inaugurated in all of the state institutions and boards to be audited by the auditor of public accounts."

Vetoed April, 1911.

Manuscript Laws (1911).

Messages and Proclamations (1911 f.), 99.

164. An act (H. R. No. 574), to give the auditor of public accounts supervision of the board of supervisors.

Vetoed April 11, 1911.

Manuscript Laws (1911), 712.

Messages and Proclamations (1911 f.), 104.

165. An act (H. R. No. 575), to create a board of supervisors of the maintenance funds.

Vetoed April 11, 1911.

Manuscript Laws (1911), 720.

Messages and Proclamations (1911 f.), 105.

ITEM VETO.

"An act (H. R. No. 643), to appropriate for the payment of miscellaneous items of indebtedness owing by the State of Nebraska."

Vetoed April 10, 1911.

Laws of Nebraska (1911), 662.

John H. Morehead (1913-14, 1915-16), 12 vetoes and 2 item vetoes.

166. ¹An act (S. F. No. 14), to increase the salaries of certain state officials.

Vetoed April 17, 1913.

Messages and Proclamations (1911 f.), 239 f.

Senate Journal (1913).

Reconsidered, amended and approved by the Governor, April 21, 1913.

Messages and Proclamations (1911 f.), 240.

¹This bill was amended so as to meet the approval of the Governor and therefore signed by him later.

- 167.**An act (S. F. No. 132), to prevent the procreation of certain classes of criminals and feeble-minded and other defectives.

Vetoed April 4, 1913.

Manuscript Laws (1913), 985.

Senate Journal (1913), 936.

Messages and Proclamations (1911 f.), 238.

Reconsidered and adopted in the Senate by a vote of 24 for and 7 against.

Senate Journal (1913), 949.

World-Herald, April 15, 1913.

The House refused to pass the bill over the Governor's objections.

Senate Journal (1913), 956.

168. "An act (S. F. 430), to amend section 675, of the Code of Civil Procedure and to repeal said section as the same now exists."

Vetoed April 21, 1913.

Manuscript Laws (1913), 994.

Senate Journal (1913), 1089.

169. "An act (H. R. No. 59), to establish a classified civil service for the state institutions of Nebraska."

Vetoed April 16, 1913.

House Journal (1913), 1445.

Manuscript Laws (1913), 1013.

Messages and Proclamations (1911 f.), 241.

170. "An act (H. R. No. 138), to amend section 2293 of the Revised Statutes of Nebraska."

Vetoed April 16, 1913.

House Journal (1913), 1463.

Manuscript Laws (1913), 998.

171. "An act (H. R. No. 229), making an appropriation to pay the cost of surveying and marking the Overland Immigration trail in the State of Nebraska."

Vetoed April 16, 1913.

House Journal (1913), 1444.

Manuscript Laws (1913), 1005.

¹This bill was amended so as to meet the approval of the Governor and therefore signed by him later.

172. "An act (H. R. No. 308), to appropriate \$50,000.00 or so much thereof as may be necessary for the erection and equipment of a detached building to be used as a tubercular at the state asylum at Hastings, Nebraska."

Vetoed April 16, 1913.

House Journal (1913), 1445.

Manuscript Laws (1913), 1008.

Messages and Proclamations (1911 f.), 242.

173. "An act (H. R. No. 560), to provide for building and maintaining a fish hatchery on the south branch of the Verdigrée Creek in Antelope county."

Vetoed April 16, 1913.

House Journal (1913), 1462.

Manuscript Laws (1913), 1011.

ITEM VETOES.

"An act (H. R. No. 873), making an appropriation for the payment of miscellaneous items of indebtedness owing by the state of Nebraska."

Vetoed April 23, 1913.

Laws of Nebraska (1913), 672.

Messages and Proclamations (1911 f.), 247.

"An act (H. R. No. 874), making appropriations for the current expenses of the State Government."

Vetoed April 23, 1913.

Laws of Nebraska (1913), 682.

Messages and Proclamations (1911 f.), 245.

174. *An act (S. F. No. 6), to empower the Board of Directors of Metropolitan water districts to devise plans to construct a light plant.

Vetoed April 8, 1915.

Senate Journal (1915), 822.

175. "An act (H. R. No. 155), to amend section 7647 Revised Statutes of Nebraska for the year 1913, and to repeal said original section as it now exists."

Vetoed March 30, 1915.

House Journal (1915), 1010.

176. "An act (H. R. No. 429), to require Justices of the Peace to pay all fees in excess of a certain sum into the county treasury, and making it the duty of the County Board to enforce such payment, and provide a means therefor."

Vetoed April 16, 1915.

Messages and Proclamations (1911 f.) 312.

177. *An act (H. R. No. 652), creating a state efficiency survey commission and prescribe its powers and duties, and appropriating for the expense of such survey the sum of \$4,000.00."

Vetoed April 19, 1915.

Messages and Proclamations (1911 f.), 313.

BIBLIOGRAPHY

I. Sources.

A. DOCUMENTS.

Acts Vetoed by the Governor, (1869-99). Contains a valuable collection of veto messages, but no attempt has been made to number the pages so as to make the book conveniently usable.

Council and House Journals, (1855-1867). Nearly all lack any index and their record is very brief.

Laws of Nebraska, (1855-1915). Constitutes the best source of information as to what laws became effective and in recent years they contain records as to item vetoes.

Manuscript Bills, (1855-1915). A collection by years of all the bills introduced into the legislature, but no attempt has been made to group them in any way so as to make them easily usable.

Manuscript Laws, (1855-1915). A good collection of the laws passed and in recent years the addition of an index has improved them greatly. But no uniform system has been followed. Each administration has used its own plan without considering uniformity, or clearness of the record.

Messages and Proclamations of the Governors (1866-1915). A five-volume set of messages and proclamations written in long hand when a more efficient method would be to file a typewritten copy of the message as sent to the two houses. This collection should be complete, but it lacks a number of messages.

Opinions of the Attorney-General, (1901-2). Has a good grouping of the opinions for the biennium. Only this volume has been consulted for the study, but the others are like it.

Senate and House Journals, (1867-1915). Contain some of the veto messages, but in general only the messages on bills returned to either house of the legislature are found in them. The index has ordinarily been made so carelessly that it is of little or no value to a student.

Supreme Court Reports. An excellent discussion on the constitutional questions involved in the exercise of the veto power; the following opinions have been used: 11 Nebr., 377; 13 Nebr., 17; 25 Nebr. 864; 31 Nebr. 268; 36 Nebr. 835; 59 Nebr. 494; 70 Nebr. 221; 79 Nebr. 532.

B. NEBRASKA NEWSPAPERS.

The following is a select list of newspapers which have been consulted. The list is fuller for the earlier than for the later period. For the former period the *Nebraska Advertiser* was on the whole the best paper. During the later period several of the large dailies contain excellent accounts of discussion of the exercise of the veto power both in the legislature and out of it.

The year stated on the left hand of the table following, represents the date of the first number available, and not in all cases the date of first publication.

NEBRASKA NEWSPAPERS.

- | | |
|------|--|
| 1854 | Nebraska Palladium, Bellevue. |
| 1854 | Omaha Arrow, Omaha. |
| 1856 | Nebraska Advertiser, Brownville. |
| 1857 | Bellevue Gazette, Bellevue. |
| 1857 | De Soto Pilot, De Soto. |
| 1858 | Cuming City Star, Cuming City. |
| 1858 | The Nebraska Pioneer, Cuming City. |
| 1859 | Dakota City Herald, Dakota City. |
| 1859 | Nebraska Enquirer, De Soto. |
| 1859 | People's Press, Nebraska City. |
| 1860 | The Omaha Nebraskian, Omaha. |
| 1861 | The Nebraska Herald, Nemaha City. |
| 1867 | The Nebraska Commonwealth, Lincoln; this paper has since changed name and is now published as
The Nebraska State Journal. |
| 1872 | Omaha Daily Bee, Omaha. |
| 1877 | Fremont Daily Herald, Fremont. |
| 1878 | The Omaha Herald, Omaha. |
| 1892 | The Lincoln Daily Sun, Lincoln. |
| 1893 | Daily Press, Nebraska City. |
| 1895 | Daily Hub, Kearney. |
| 1895 | The Norfolk Daily News, Norfolk. |
| 1899 | Beatrice Daily Express, Beatrice. |
| 1901 | Daily Independent, Grand Island. |

11. Secondary Authorities.

- Dealey, J. Q.—*Growth of American State Constitutions*.
(Ginn and Co., Boston, 1915). The best general study of the state constitutions.
- Holcombe, A. N.—*State Government in the United States*.
(MacMillan Co., New York, 1916). Contains a good discussion of the historical development of the veto power.
- Morton-Watkins, J. S. and Albert.—*History of Nebraska*.
(Lincoln, Nebraska, 1905, 1907, 1913, 3 vols.) An excellent and quite exhaustive history of Nebraska.



3 0112 061967011

ADDENDUM

In order to bring the discussion of this pamphlet up to date, the following data covering the legislative session of 1917 and the administration of Governor Keith Neville is added:

Total number of acts passed by Legislature of 1917.....	370
Total number bills vetoed by Governor Neville.....	3
Total item vetoes by Governor.....	None

The bills vetoed by Governor Neville were as follows:

House Roll 15, providing for the perpetuation of corners of land surveys threatened with destruction by roads or public travel. The Governor's objection related merely to the form of the bill and not to its substance.

House Roll 24, provided that in the Eleventh Judicial District, having two district judges, one of the judges should reside west of the one hundredth meridian. The Governor's objection was that only one-fifteenth of the population of the district lived west of the one-hundredth meridian and the bill would prevent the electors of the district from choosing men they would prefer as judges.

Senate File 79, relating to deposit of state funds. The Governor's objection was that it would interfere with the State Treasurer's best judgment in the distribution of these funds under the law, and would require state banks already assessed for the bank guaranty fund, to give an additional bond.

Governor Neville's veto to each of these bills was sustained.